

# Informational Discussion -- SRBA Court and IDWR

## Moving Toward Completion of Director's Reports in 2006

Don Shaff and Susan Hamlin-Nygard

September 19, 2006

Twin Falls, Idaho



# Introductions

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- IDWR staff
- SRBA Court staff
- US agency staff

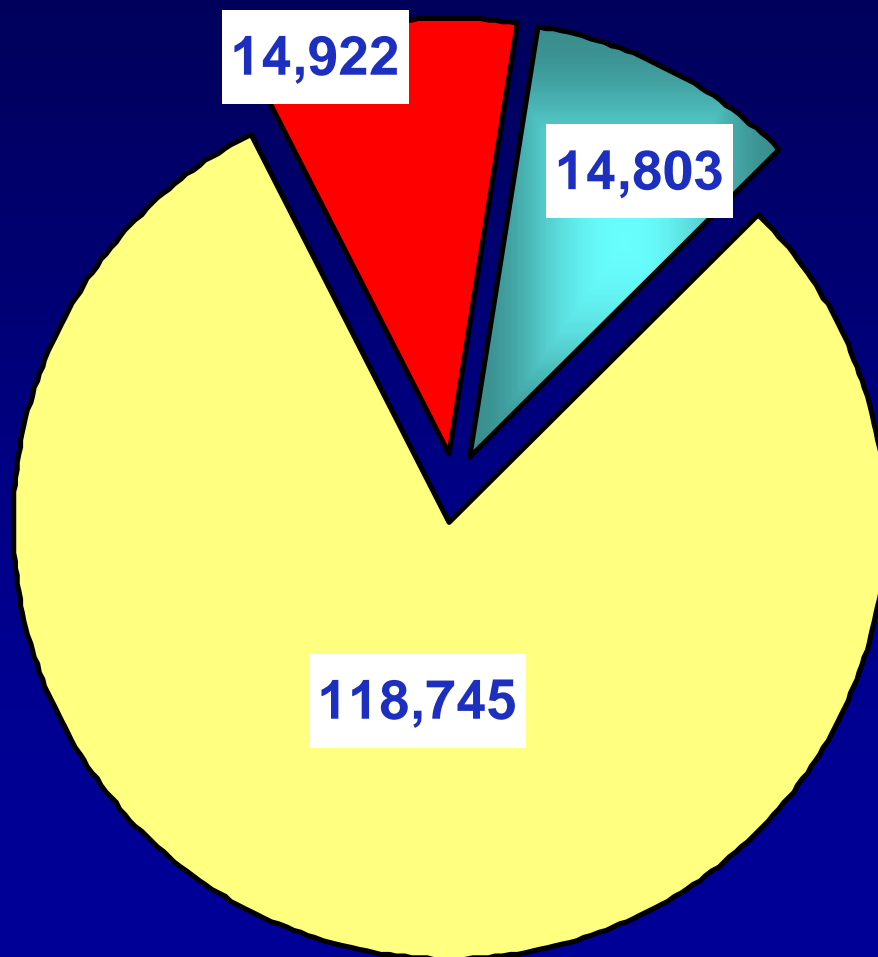
# Discussion Items, IDWR/SRBA Informational Meeting in Twin Falls, Sept 19, 2006

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- Status of Claims in the Test Basins
- Update on Objections
- Director's Reports for Irrigation & Other
- Year 2006 Forecast
- Other Matters

# SRBA Summary

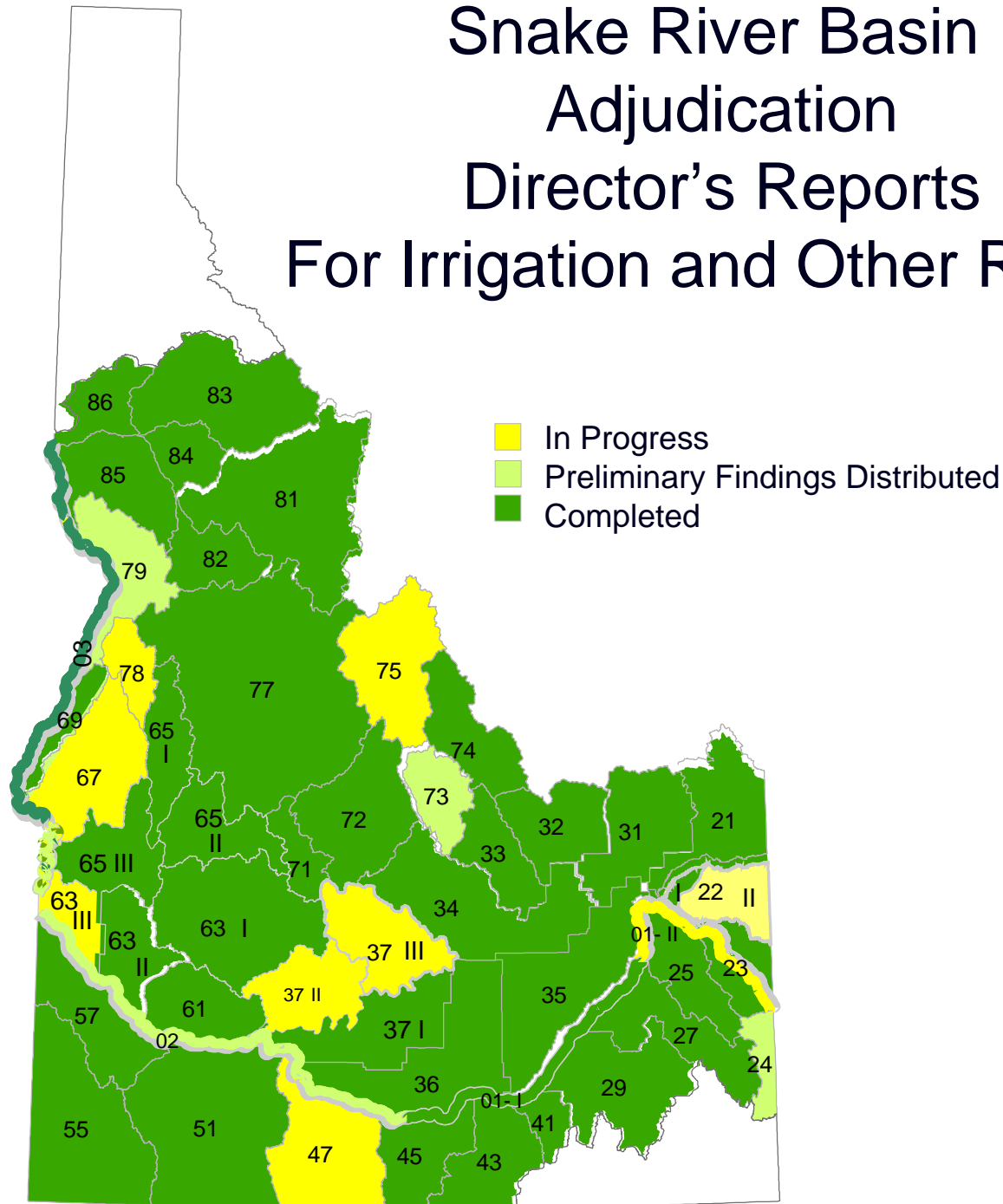
## as of September 10, 2006



### Counts of Water Rights

- Decreed
- Submitted, Awaiting Decree
- Being Readied for Submittal

# Snake River Basin Adjudication Director's Reports For Irrigation and Other Rights



# Pending Matters in Test Basins

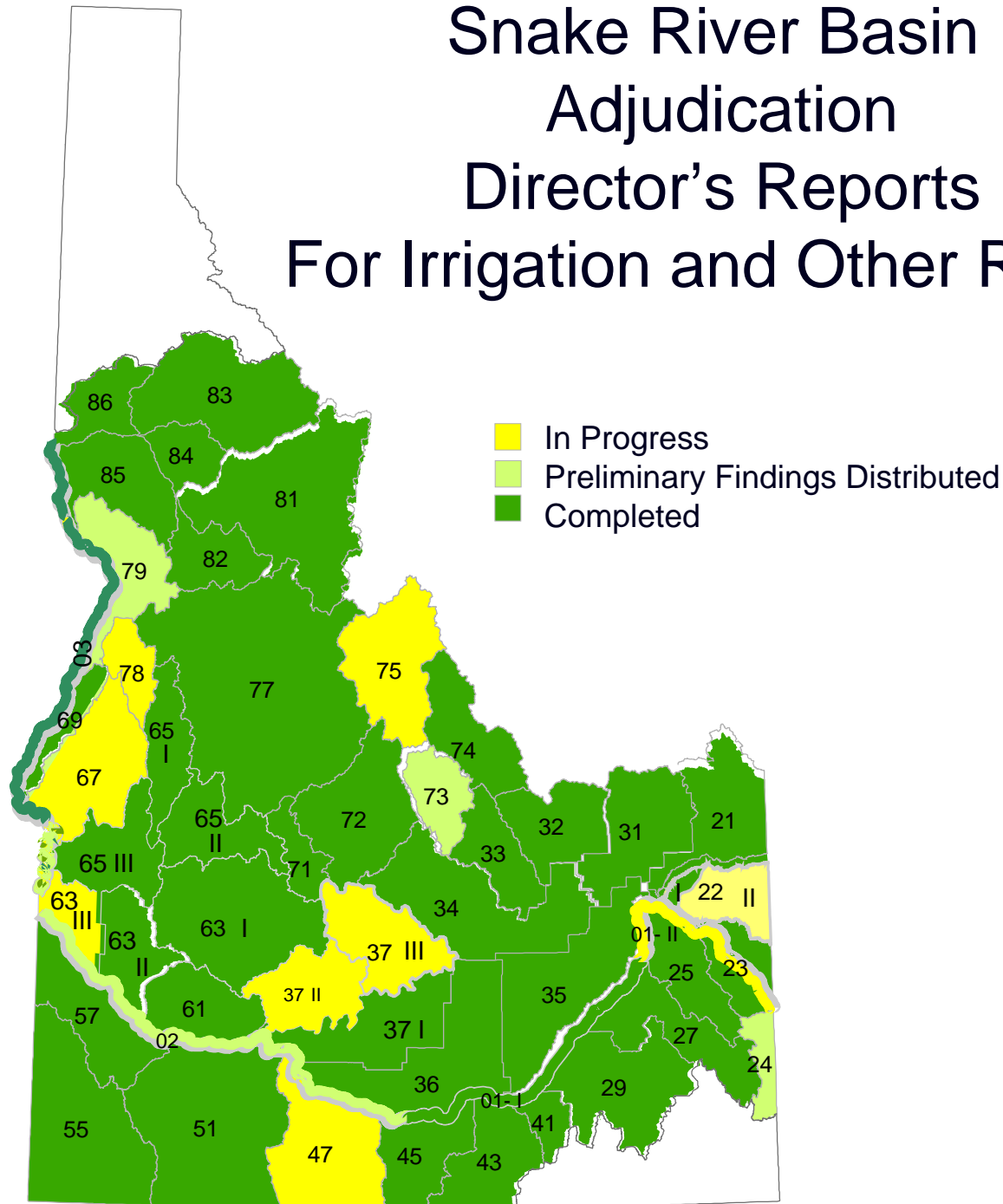
## Basin 34

- 6,050 Reported
- 5,971 Decreed
- 21 Pending
  - Evidentiary hearing/actions pending on 17 dual-based US stockwater

## Basin 36

- 7,723 Reported
- 7,637 Decreed
- 32 Pending
  - Scheduling Conf. set for City of Burley on Oct 5, 2006

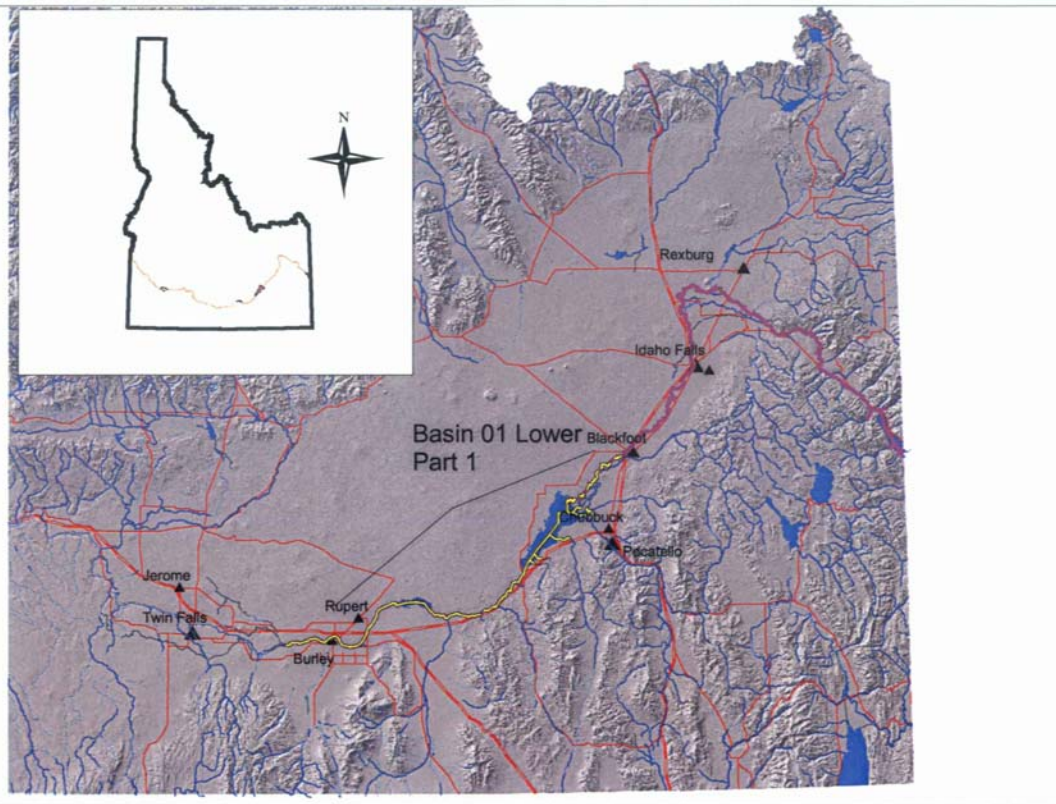
# Snake River Basin Adjudication Director's Reports For Irrigation and Other Rights



# Basins for Which all Objections are Resolved

- 23
- 32
- 33
- 37 Part 1 GW
- 43
- 55
- 57
- 61
- 65
- 71
- 72
- 81
- 82
- 83
- 84
- 86





## Snake River Basin Adjudication Basin 01 Vicinity Map

### Legend

— Basin 01

— Road

0 10 20 30 40 50 Miles



# Basin 01 Part 1 - Irrigation and Other Water Rights for Which Objections are Unresolved

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Objections received thus far:

Monsanto Corp.- 1

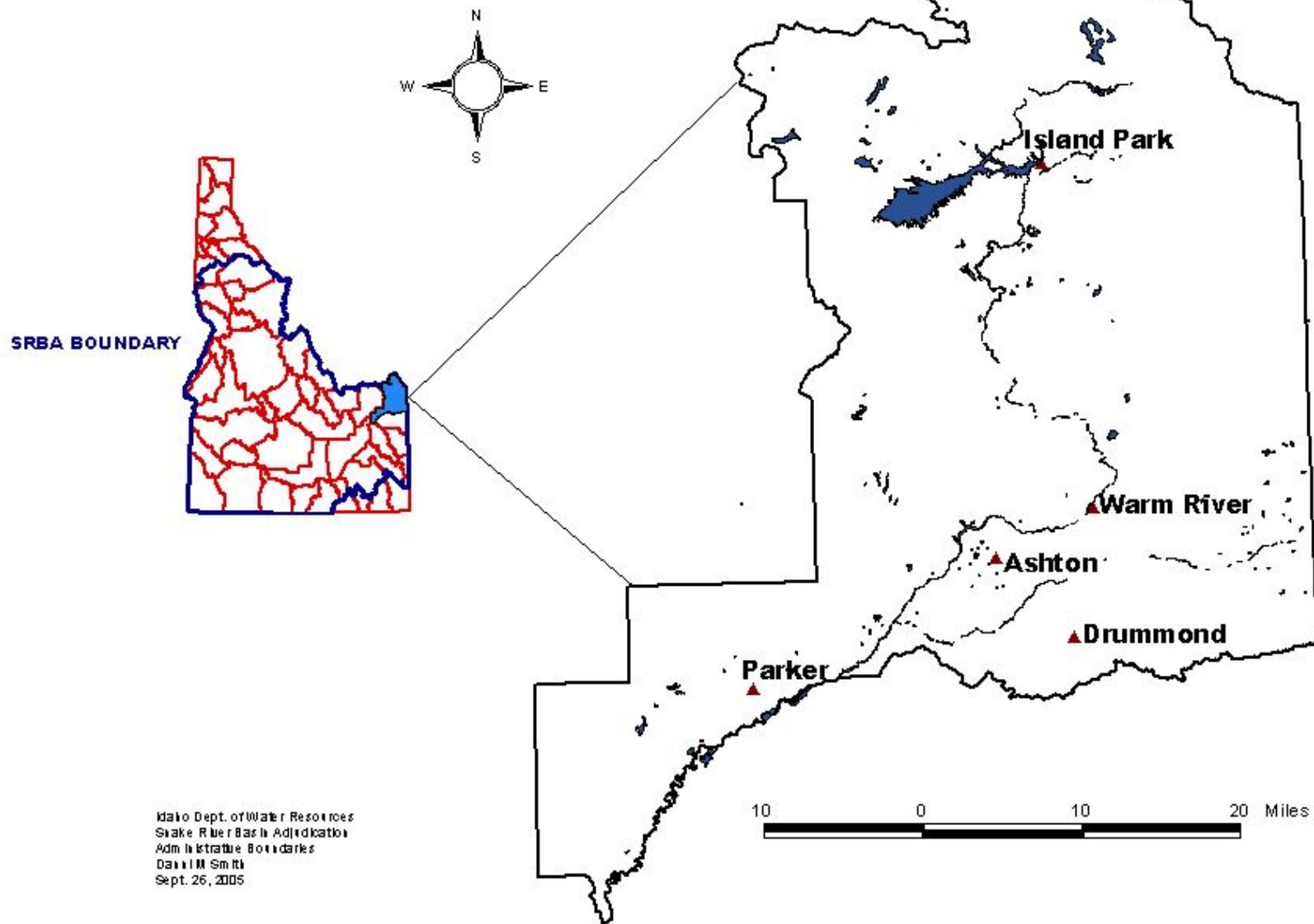
City of Burley - 2

**Objections Due on October 6, 2006**

**Responses Due on December 6, 2006**

Director's Report filed May 15, 2006  
178 State-based claims 1 Fed Reserved  
Special Master Dolan

# BASIN 21 MAP



# Basin 21 - Irrigation and Other Water Rights for Which Objections are Unresolved

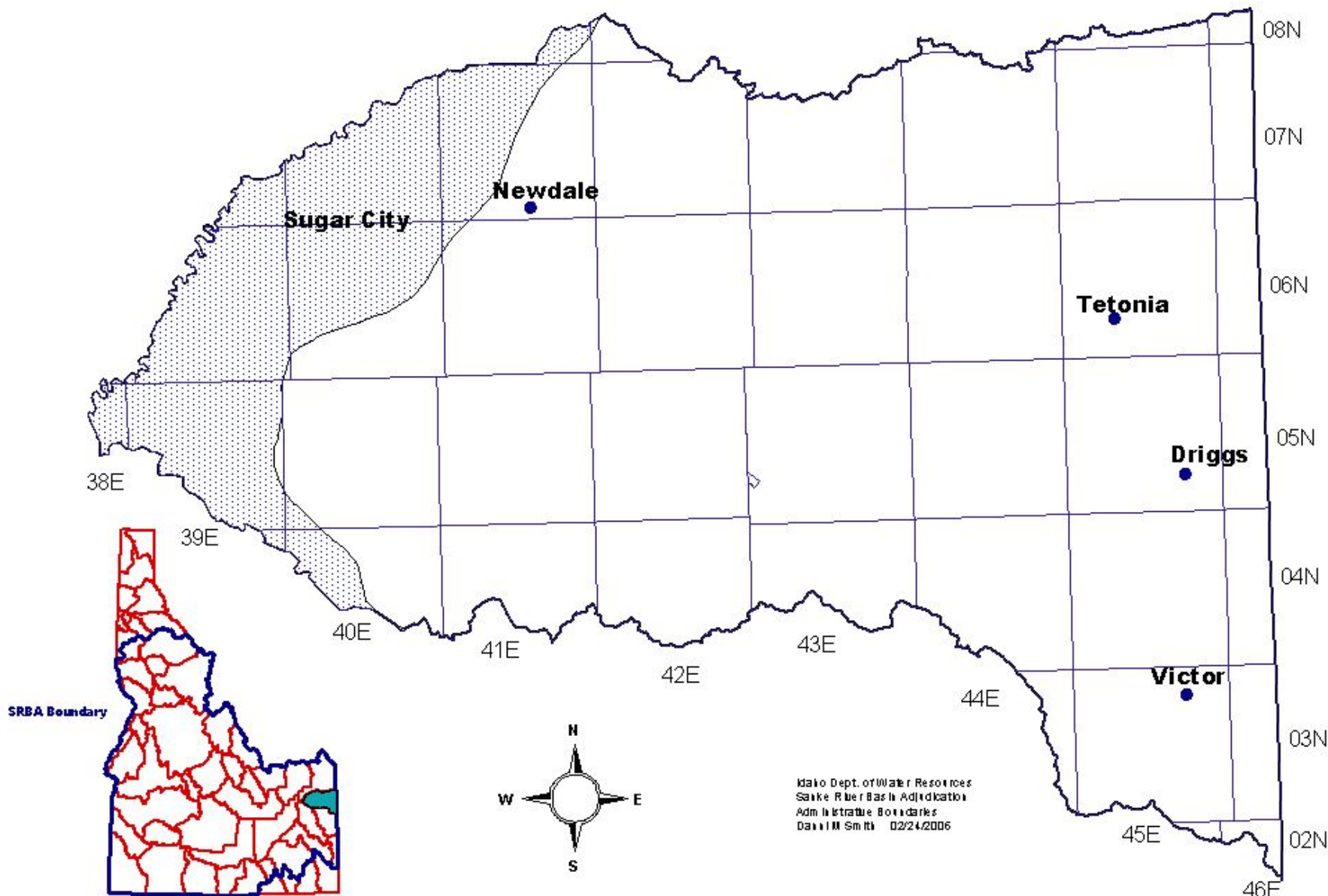
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241 Objections Not Yet Classified  
Case Mgt Report in draft form

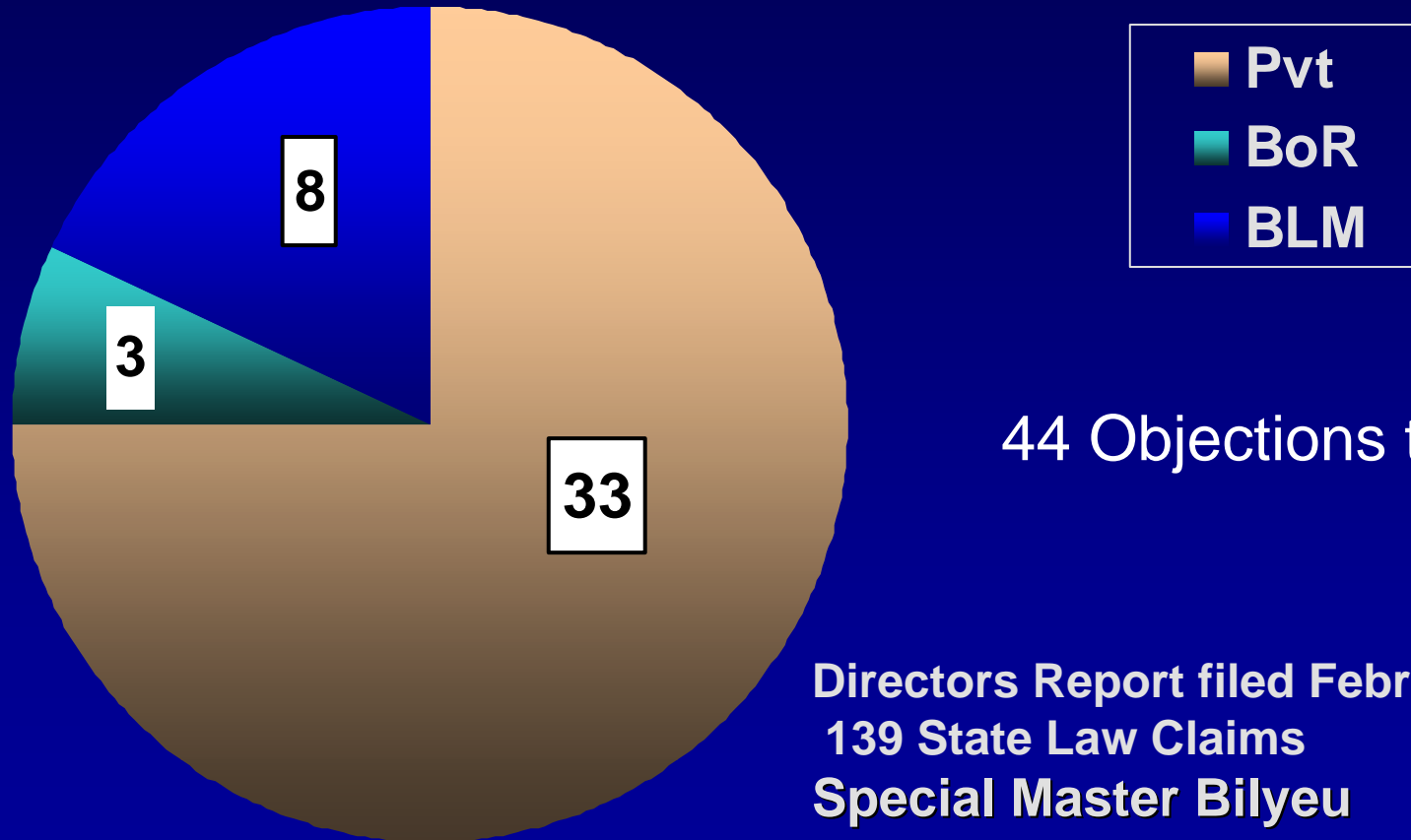
Director's Report Recommendations  
745 State Law filed January 17, 2006  
Special Master Bilyeu

# Basin 22 Map

 **Part 1 Ground Water**



# Basin 22 - Objections are Unresolved for GW Irrigation and Other Water Rights

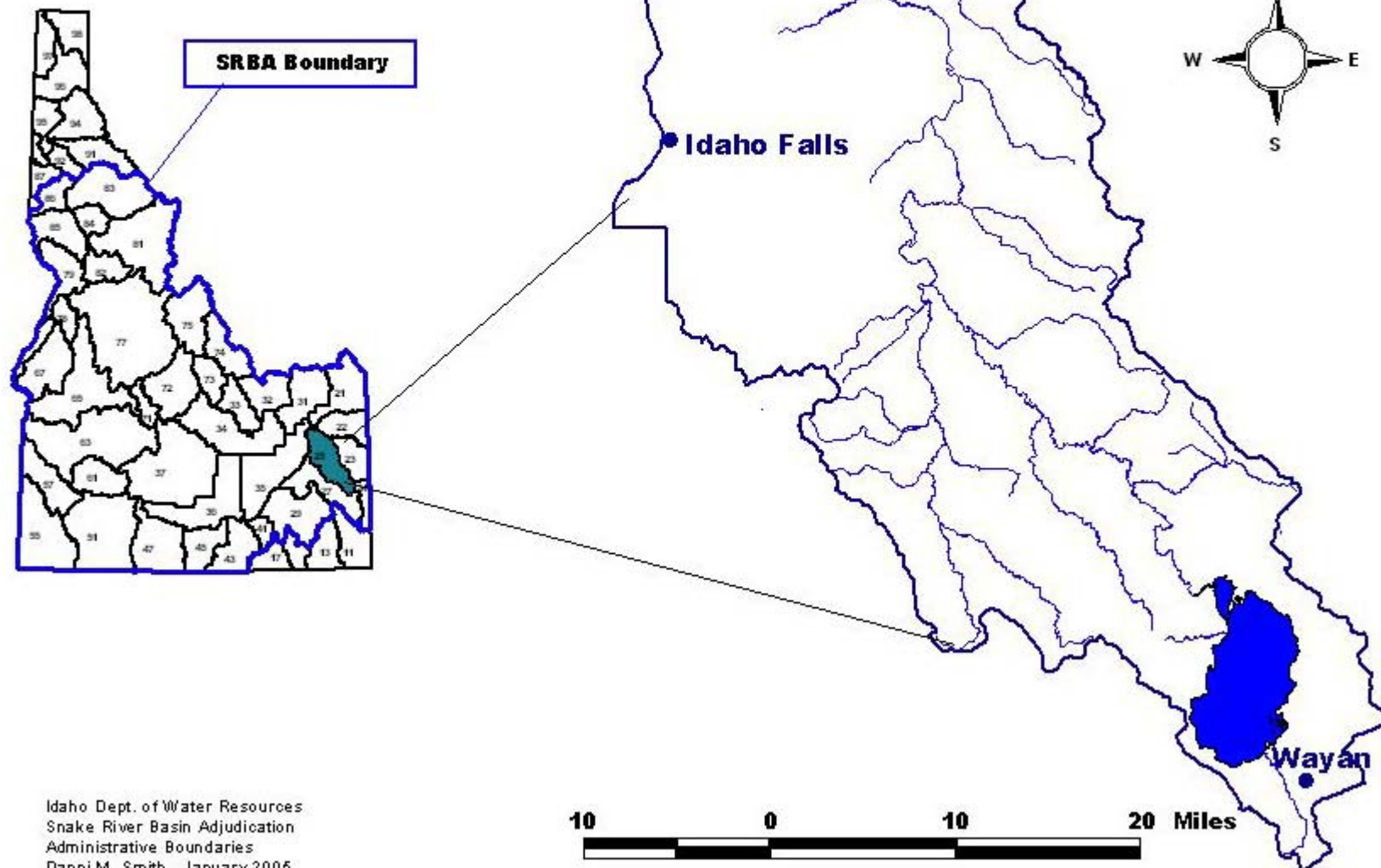


44 Objections to 21 Rights

Directors Report filed February 27, 2006  
139 State Law Claims  
Special Master Bilyeu

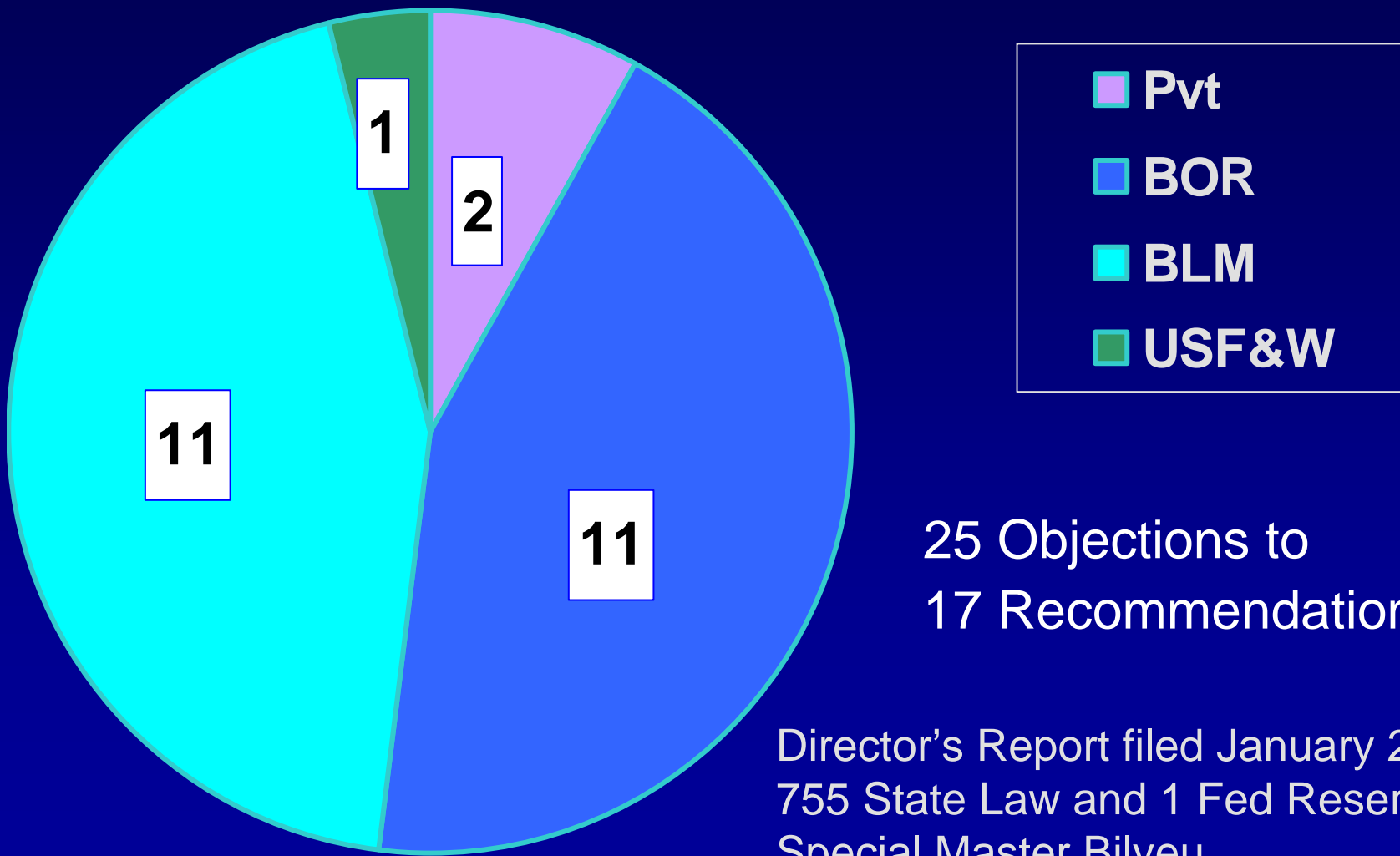


# Basin 25 Map



Idaho Dept. of Water Resources  
Snake River Basin Adjudication  
Administrative Boundaries  
Danni M. Smith January 2005

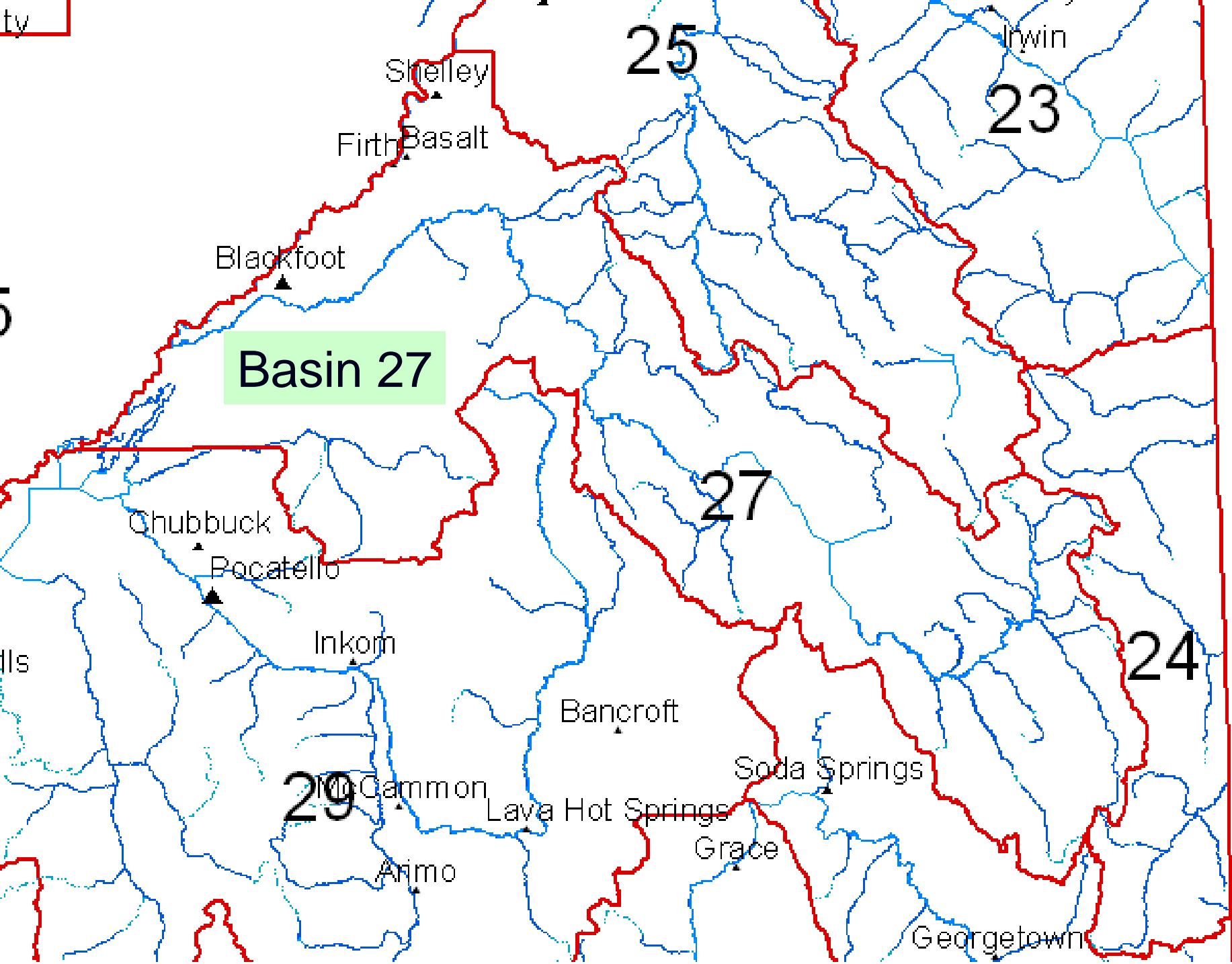
# Basin 25 - Irrigation and Other Water Rights for Which Objections are Unresolved



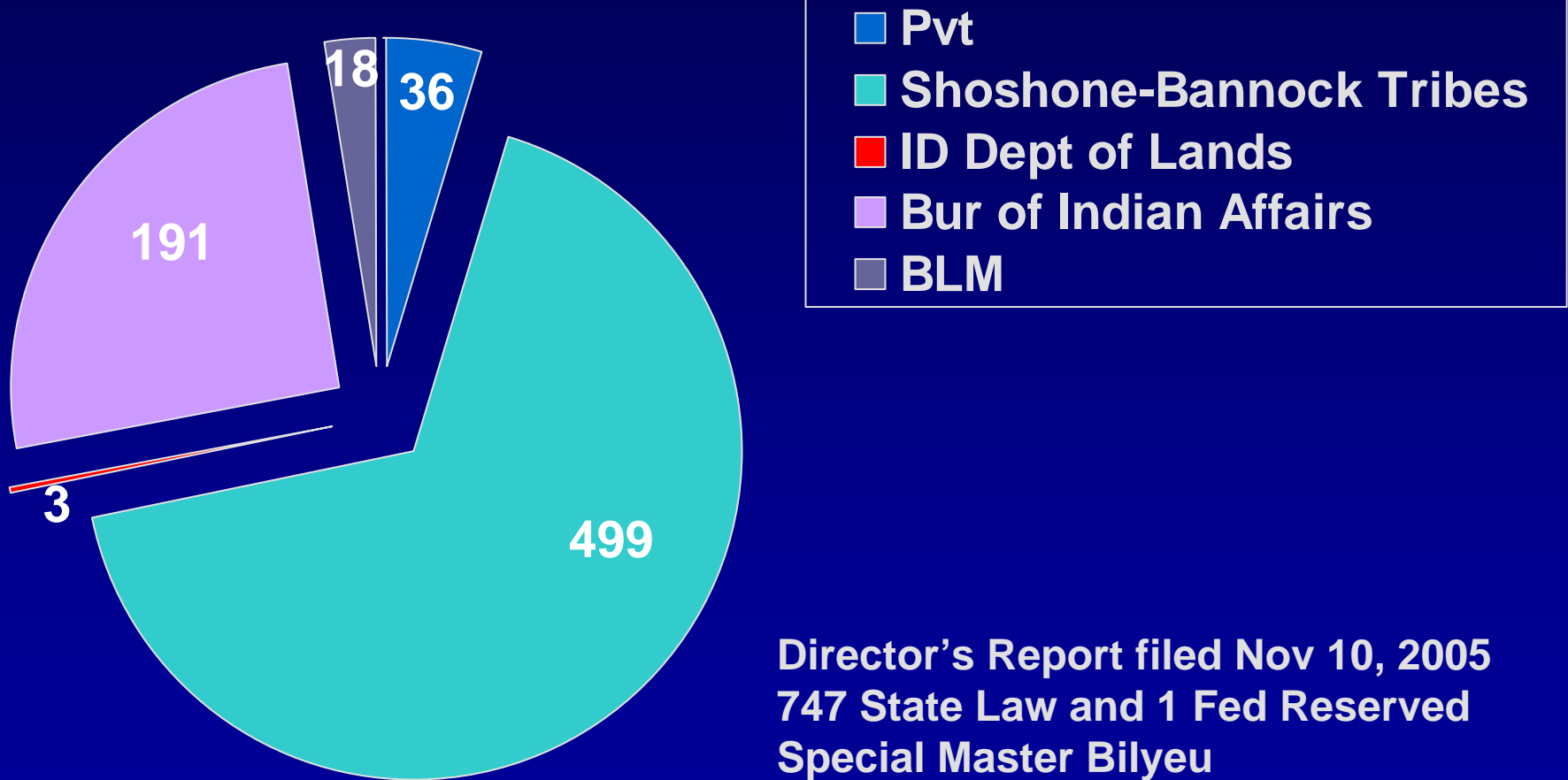
25 Objections to  
17 Recommendations

Director's Report filed January 26, 2005  
755 State Law and 1 Fed Reserved  
Special Master Bilyeu



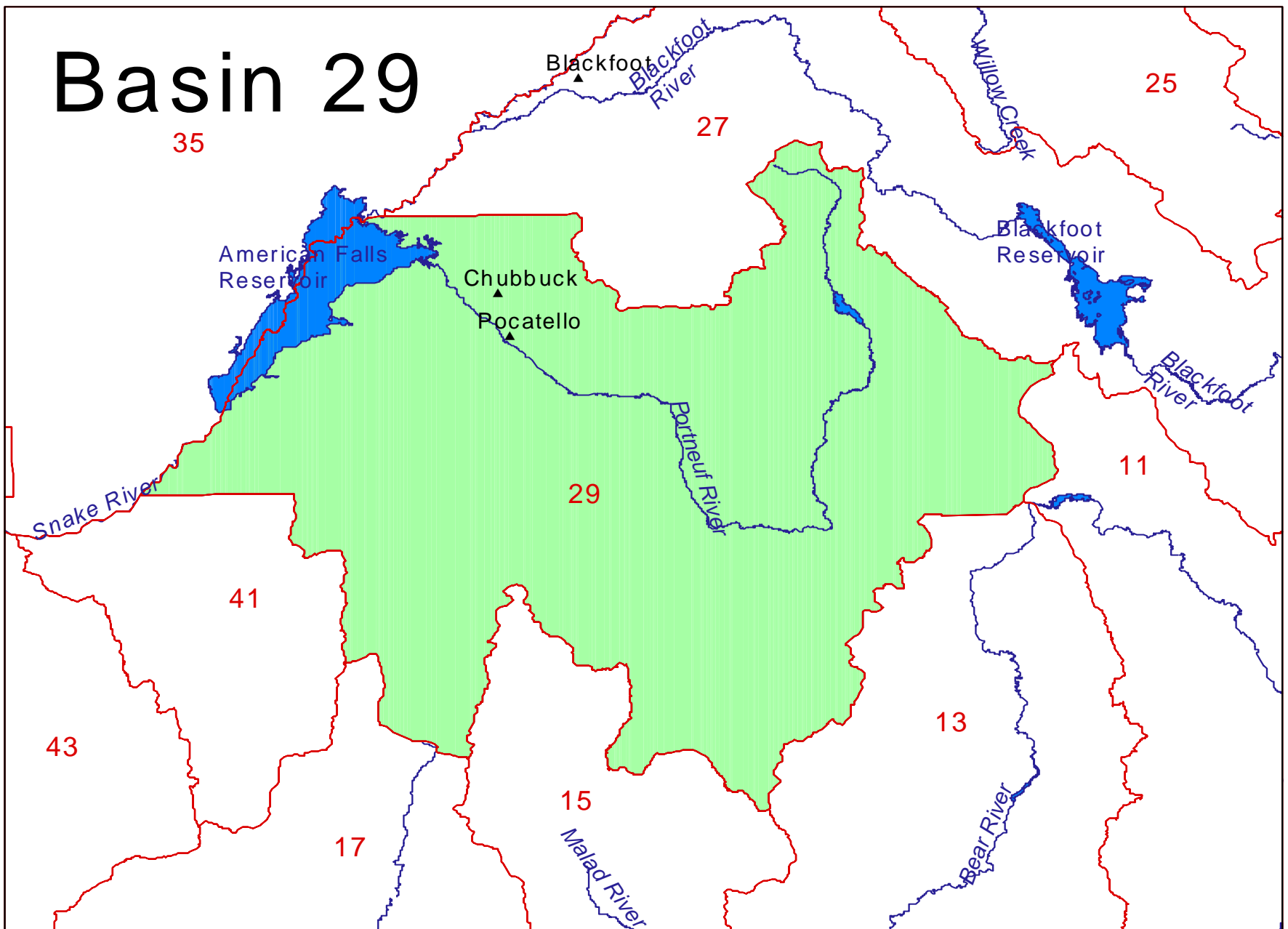


# Basin 27 - Irrigation and Other Water Rights for Which Objections are Unresolved

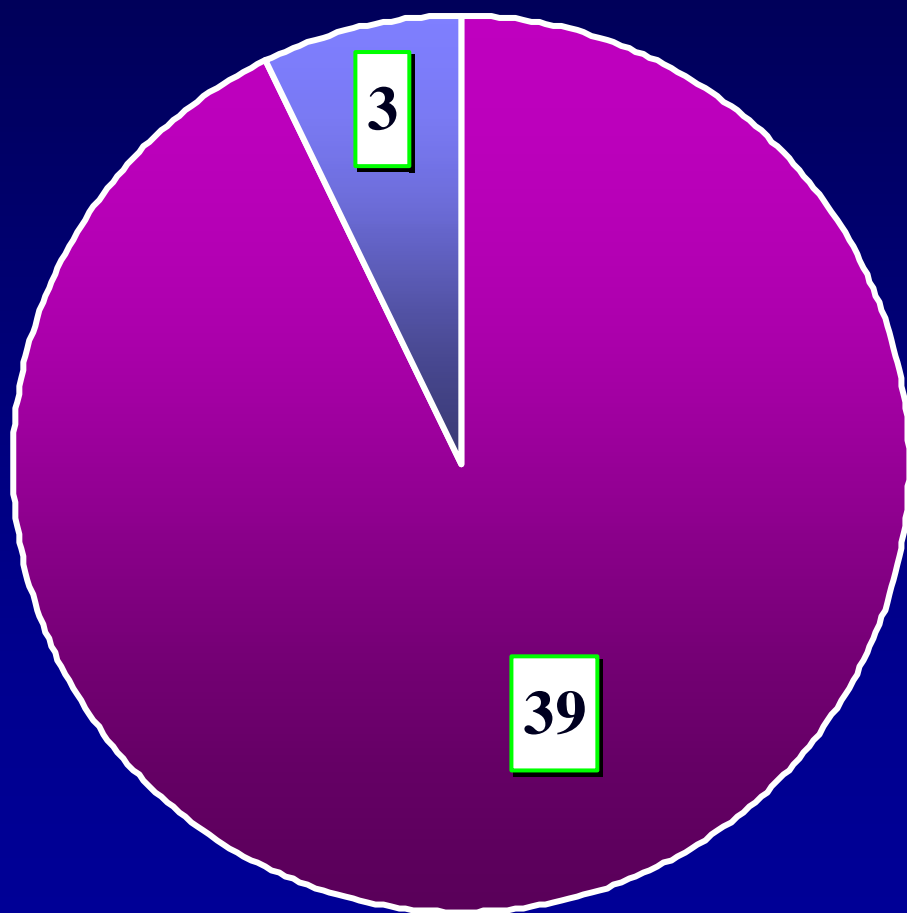


**747 Objections to 510 recommendations**

# Basin 29



# Basin 29 - Irrigation and Other Water Rights for Which Objections are Unresolved

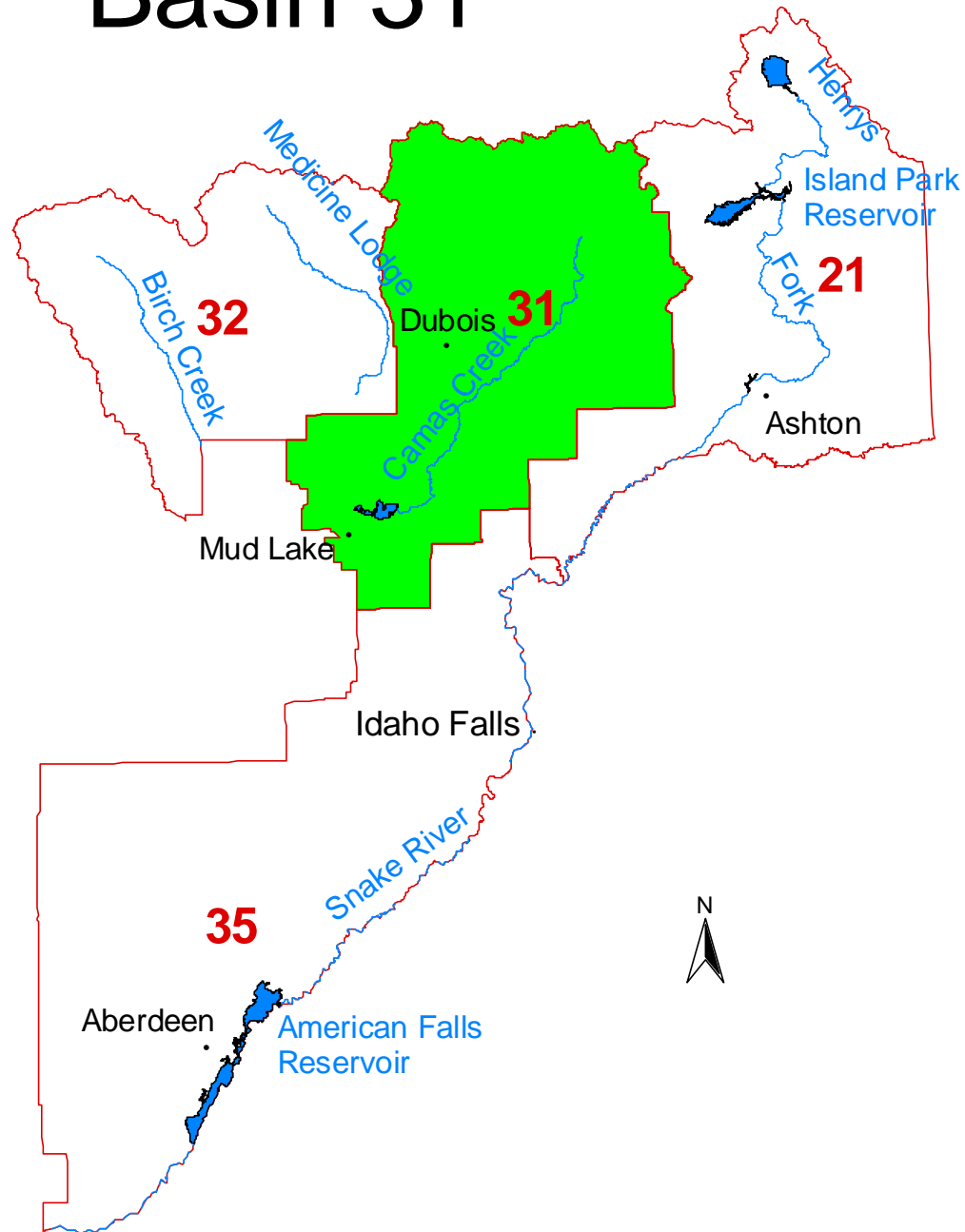


■ Pocatello City - Class 2  
■ Pvt

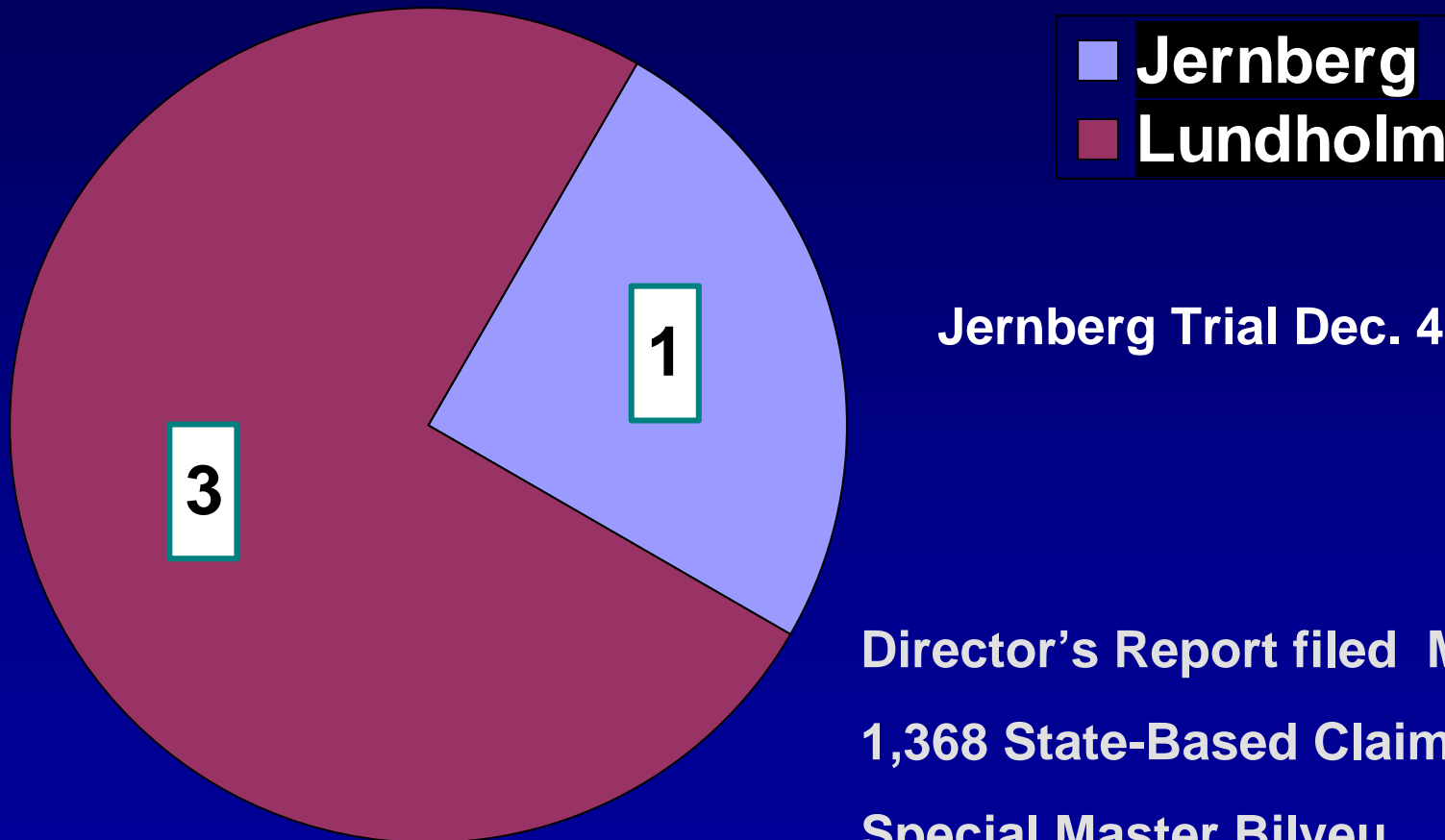
City of Pocatello  
Trial on state-based claims set  
for Feb 26 to March 2, 2007

Director's Report filed July 10, 2003  
2,290 State Law and 5 Fed Reserved  
Special Master Bilyeu

# Basin 31



# Basin 31 - Irrigation and Other Water Rights for Which Objections are Unresolved

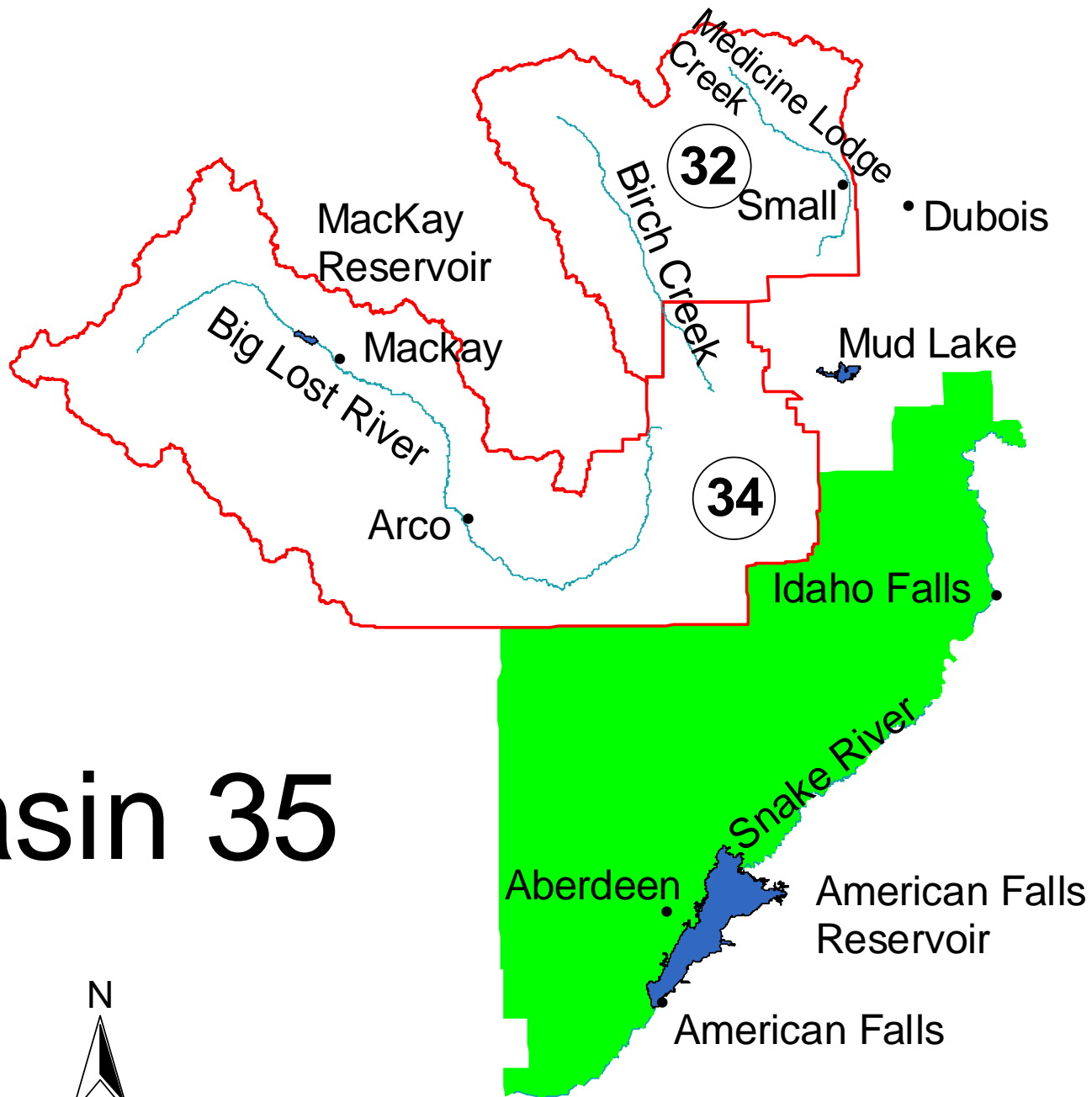


Jernberg Trial Dec. 4-6, 2006

Director's Report filed May 10, 2001

1,368 State-Based Claims

Special Master Bilyeu



# Basin 35

# **Basin 35 - Irrigation and Other Water Rights for Which Objections are Unresolved**

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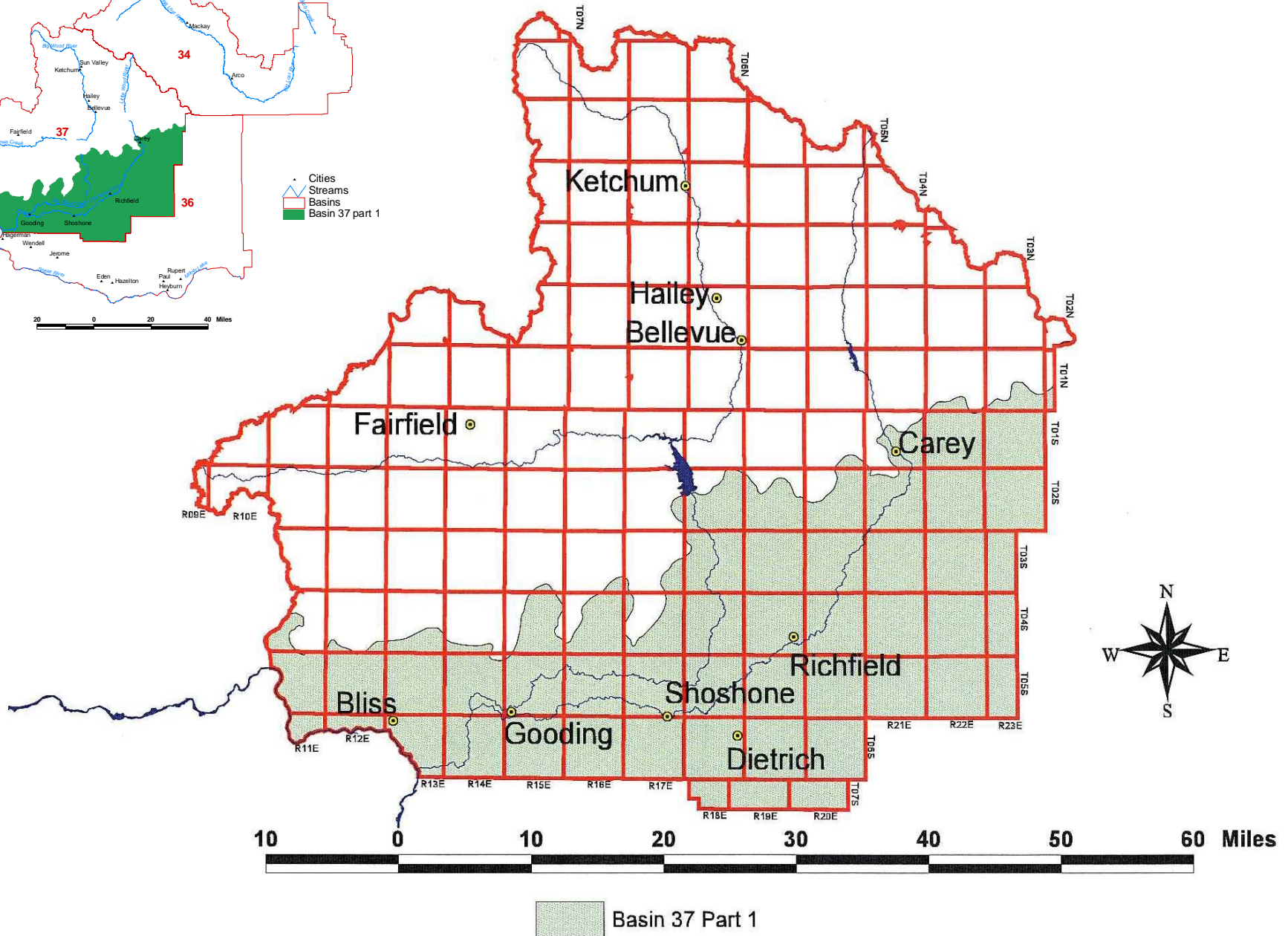
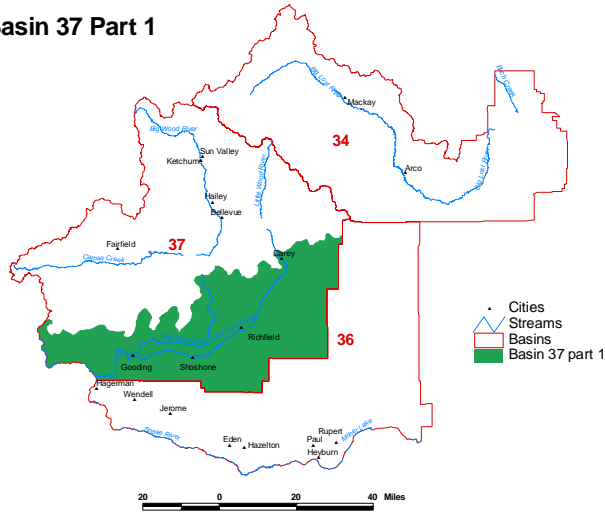
**Private Class 1 -- Recovered water for 101 subcases  
stayed. Status Conference scheduled for Nov 9, 2006.**

**Director's Report filed January 29, 1999  
2,417 State-based claims  
Special Master Dolan**

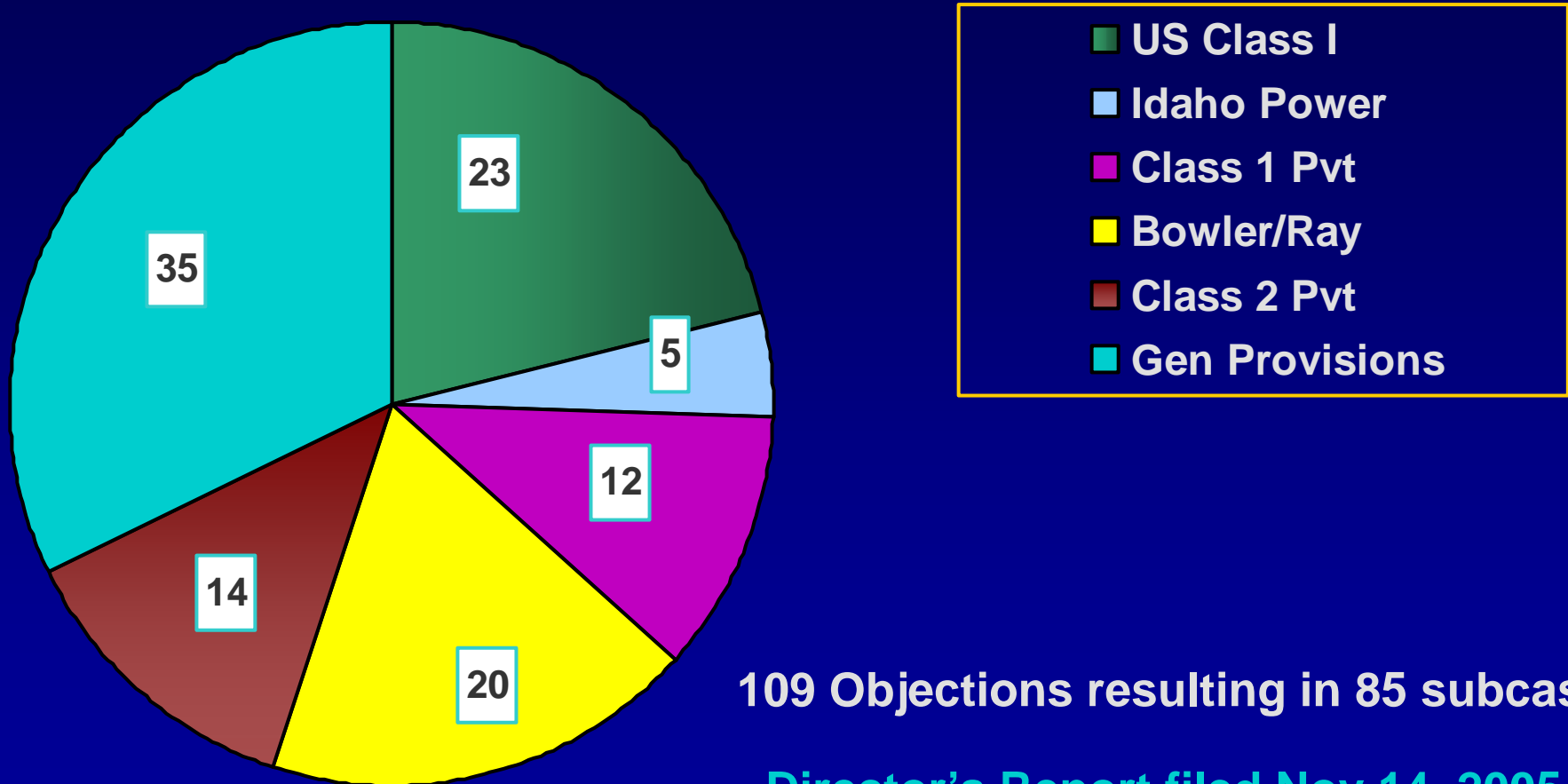


# Basin 37 Part 1

Basin 37 Part 1



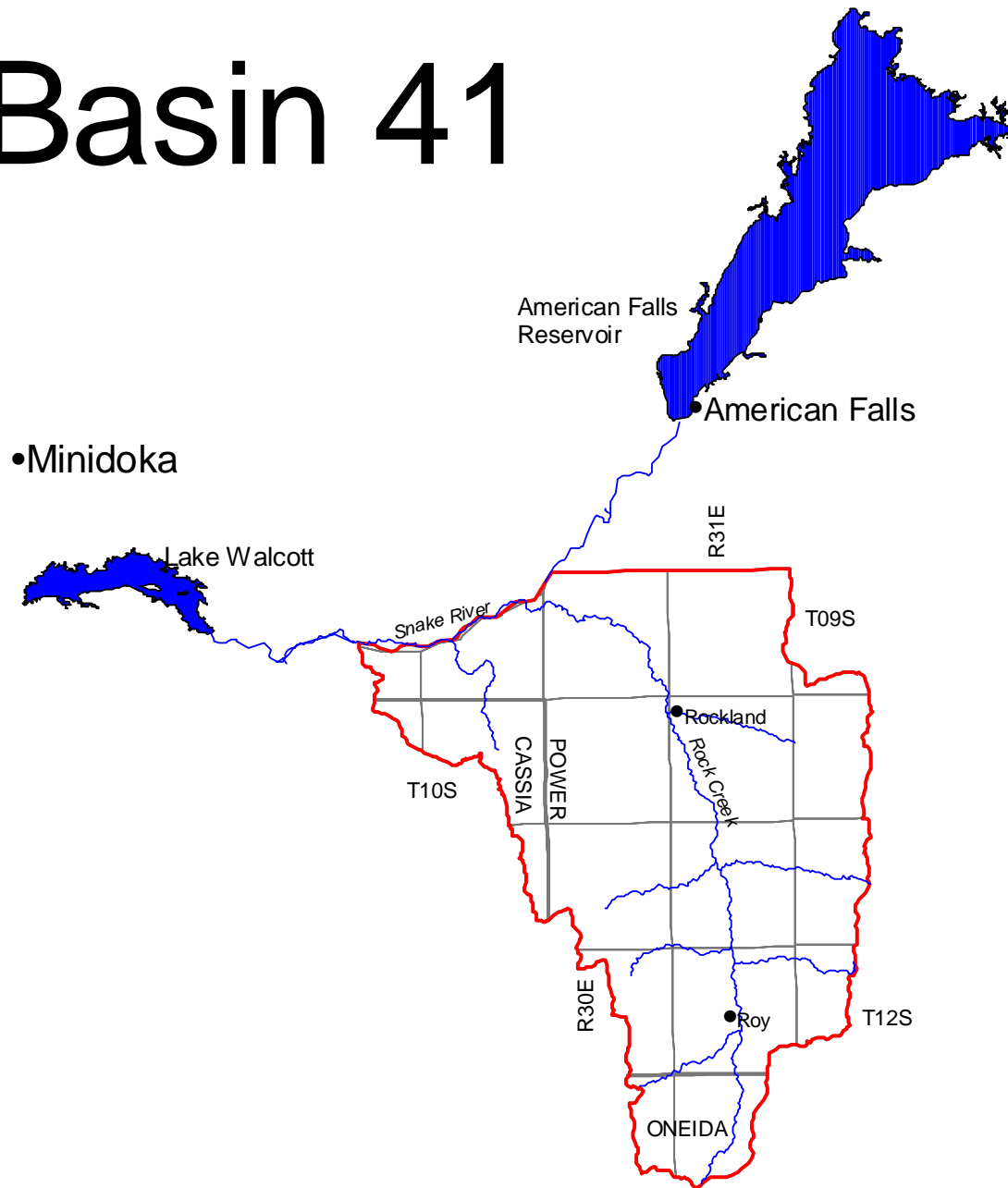
# Basin 37, Part 1 Surface Water



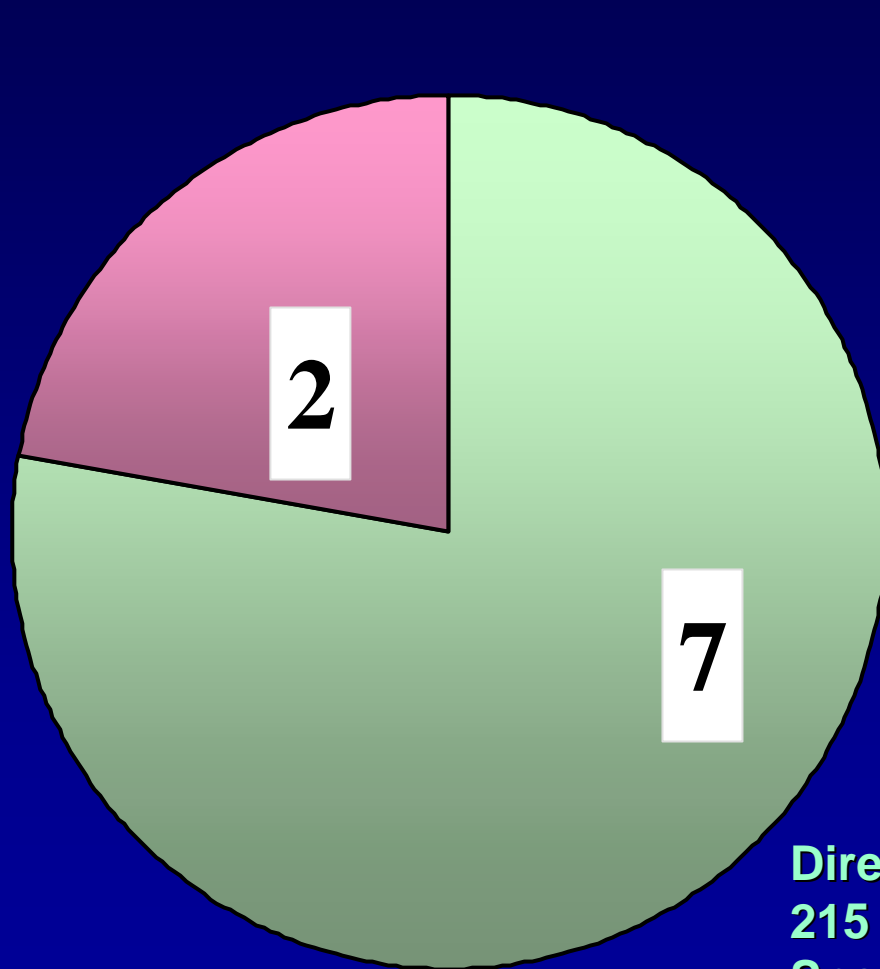
109 Objections resulting in 85 subcases

Director's Report filed Nov 14, 2005  
696 State-based claims

# Basin 41



# Basin 41 - Irrigation and Other Water Rights for Which Objections are Unresolved



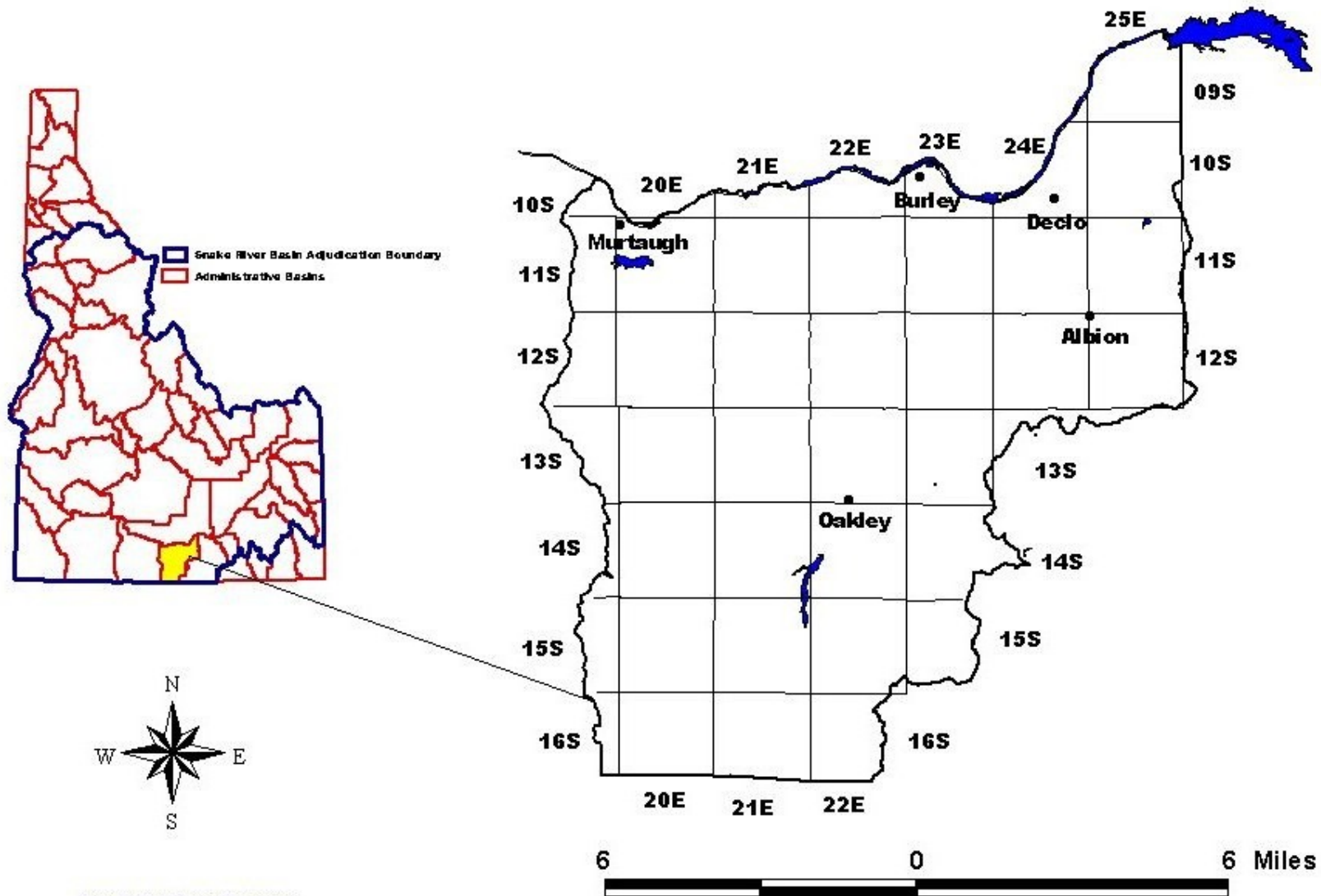
■ Spillett

■ Deeg

Settlement reached in all remaining subcases – settlement documents to be filed with the court.

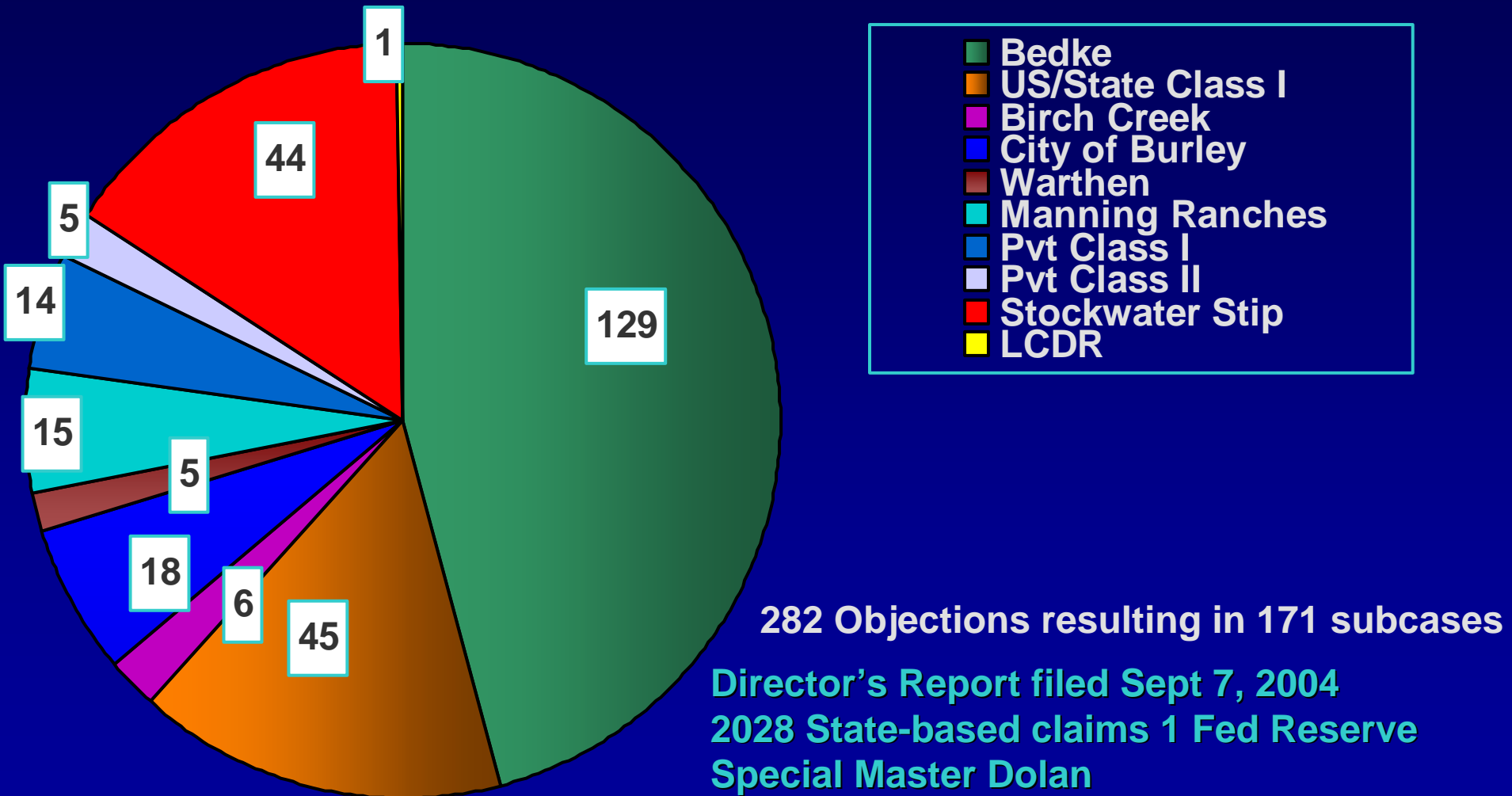
Director's Report filed Nov 2, 1999  
215 State-based claims  
Special Master Dolan

# Basin 45 Map

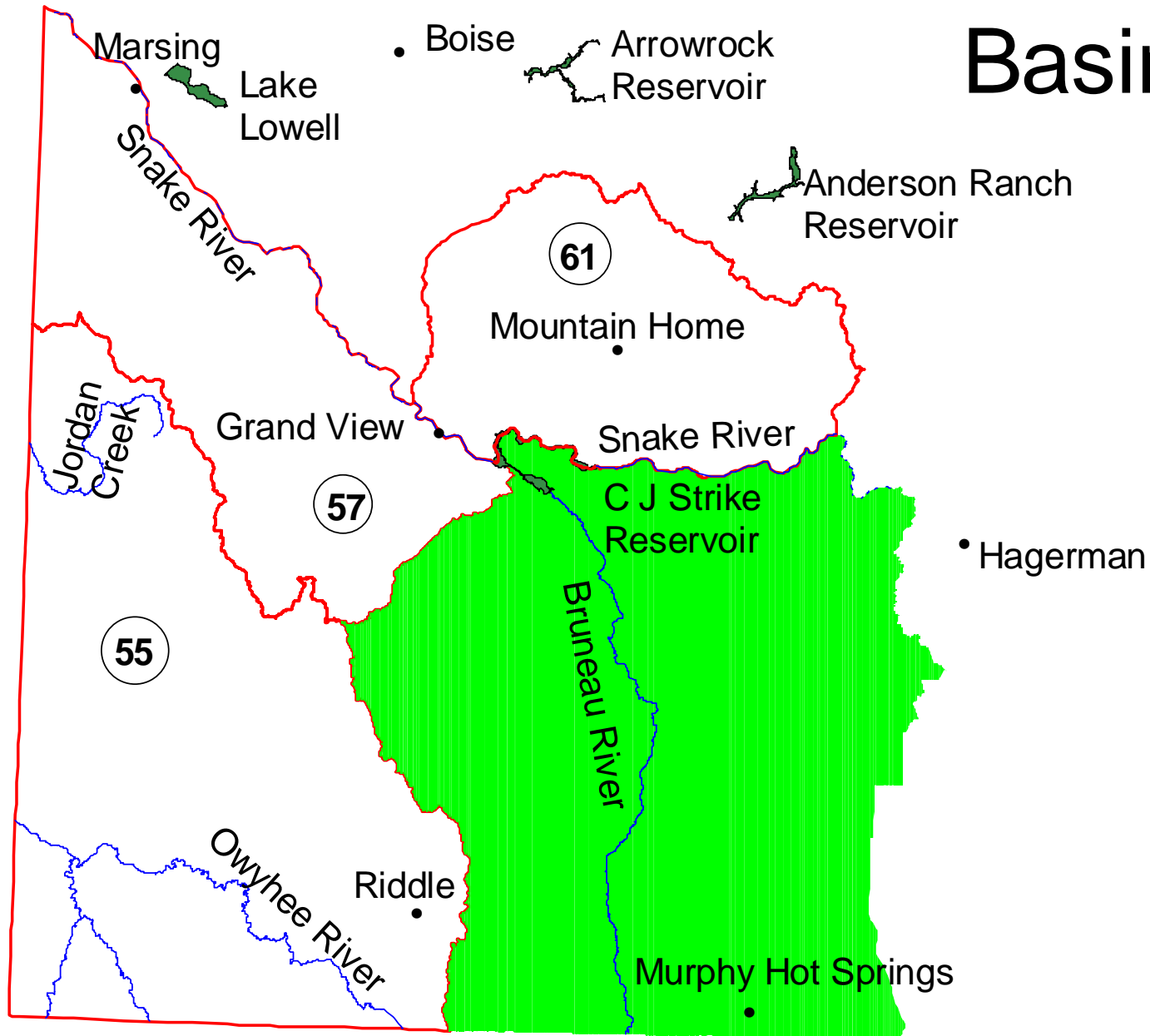


Idaho Dept. of Water Resources  
Snake River Basin Adjudication  
Date: 10/11/03

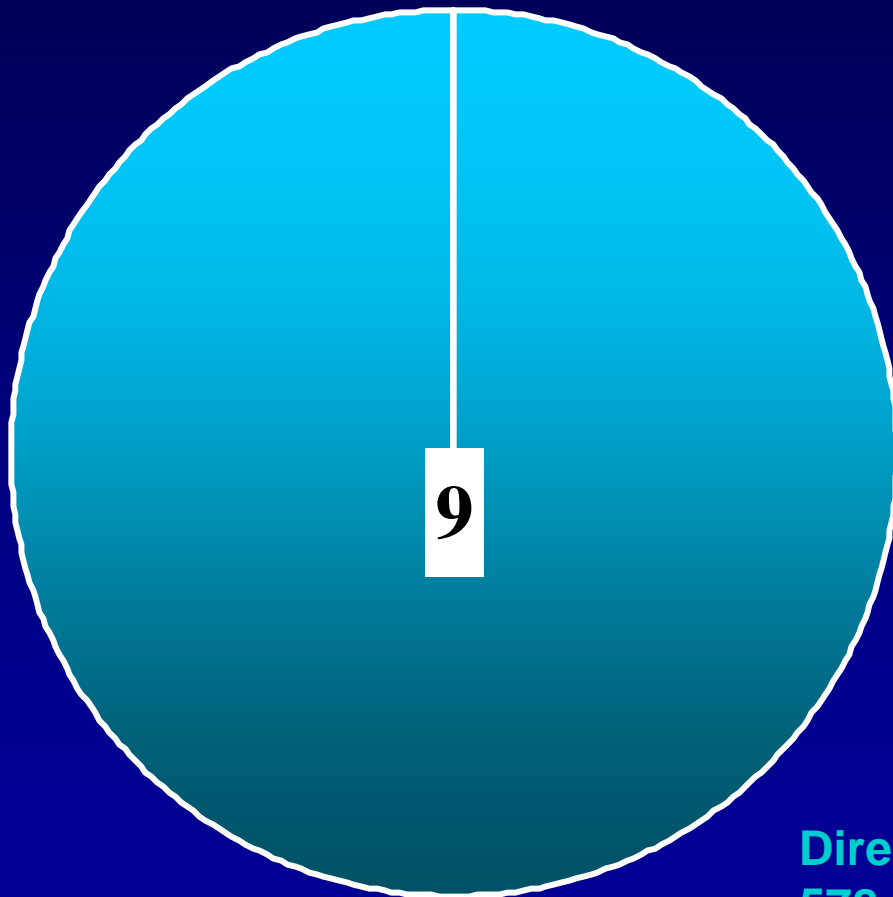
# Basin 45 - Irrigation and Other Water Rights for Which Objections are Unresolved



# Basin 51



# Basin 51 - Irrigation and Other Water Rights for Which Objections are Unresolved



■ BLM/Brackett with Nevada  
Diversions

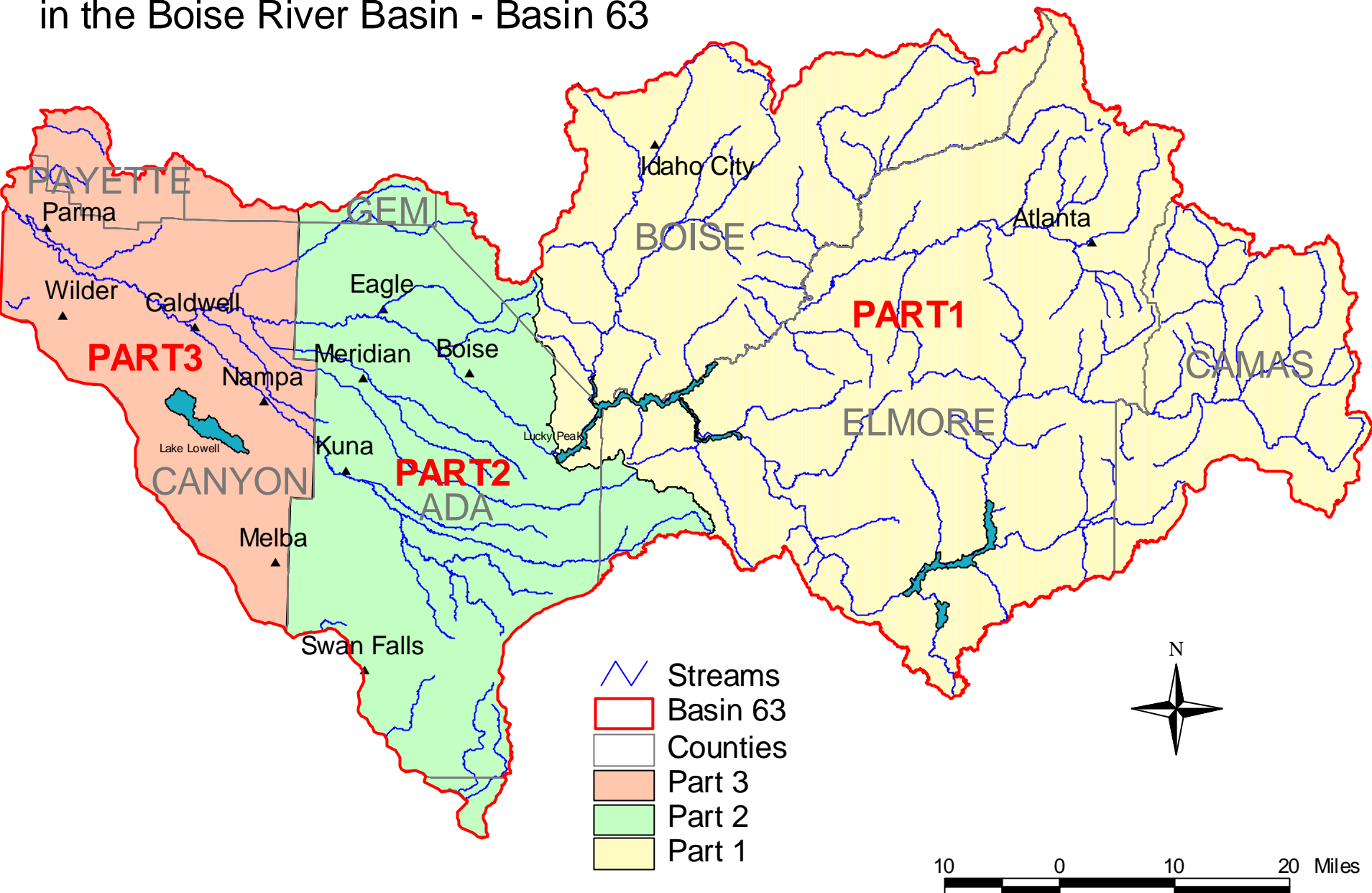
Scheduling Conference held  
Trial date pending within  
next 9 months

Challenge to Motion for Consent  
Decree entered approving entry of  
Partial Decrees for Shoshone-Paiute  
Tribes

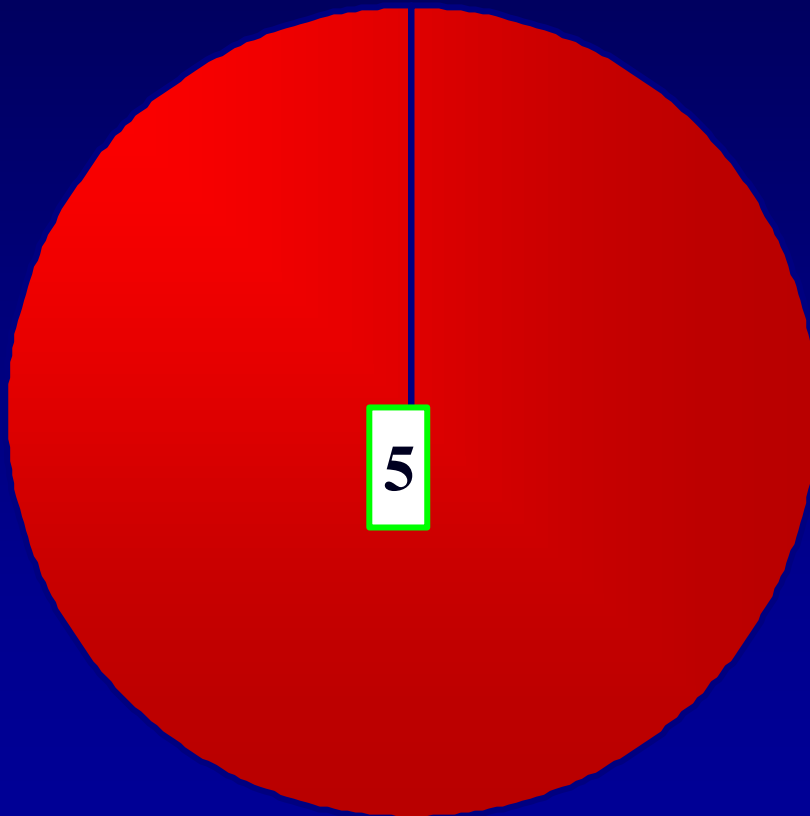
Director's Report filed Nov 24, 1998  
578 State-based 78 Fed Reserved  
Special Master Dolan



# Snake River Basin Adjudication in the Boise River Basin - Basin 63



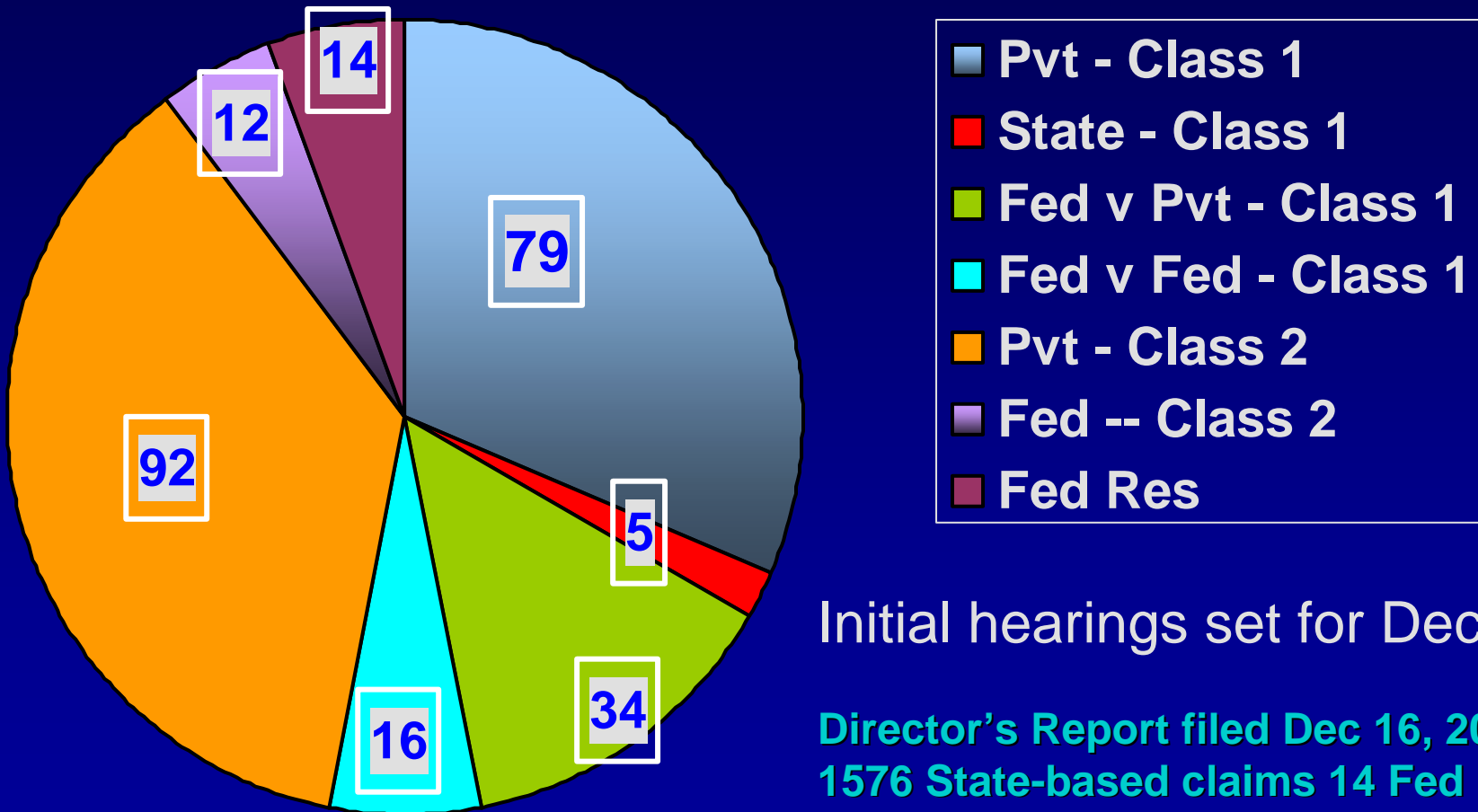
# Basin 63, Part I- Irrigation and Other Water Rights for Which Objections are Unresolved



■ Boise Cascade/Western Timber  
LLC - Class 1

Director's Report filed Sept 30, 2002  
557 State-based claims 5 Fed Reserved  
Special Master Booth

# Basin 63, Part II- Objections are Unresolved for Irrigation and Other Water Rights

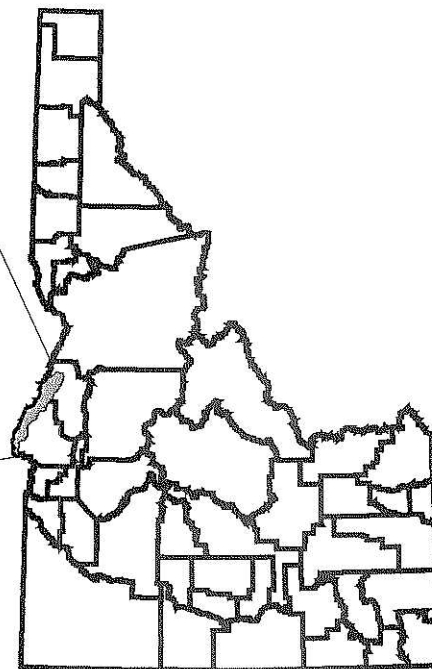
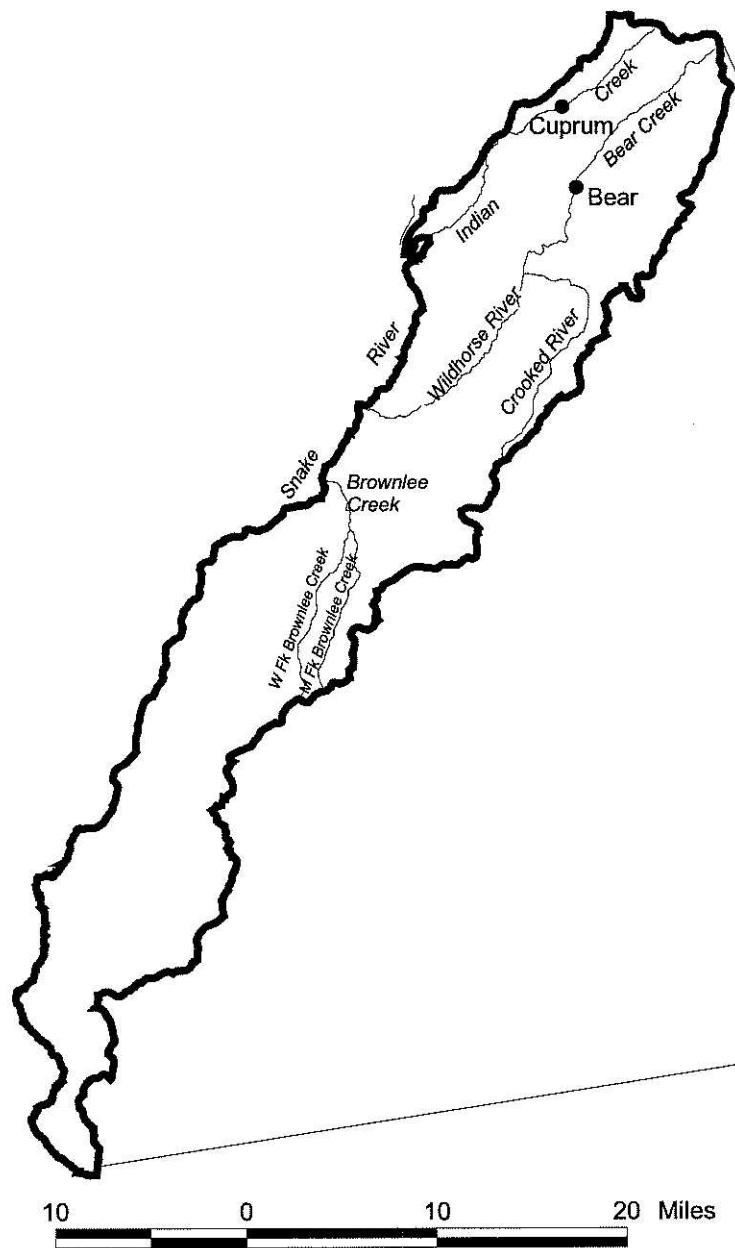


Initial hearings set for Dec & Jan

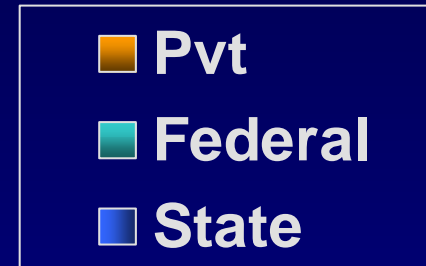
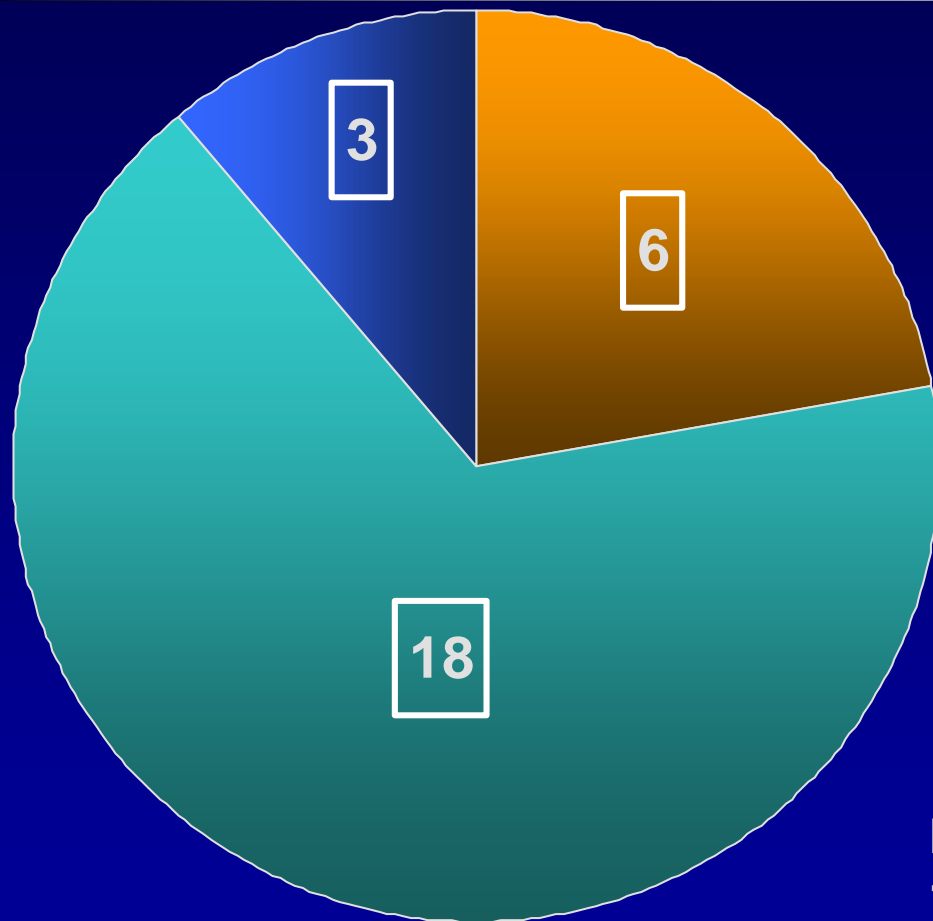
Director's Report filed Dec 16, 2005  
1576 State-based claims 14 Fed Reserved  
Special Master Booth

# Idaho Department of Water Resources

## Basin 69



# Basin 69 - Irrigation and Other Water Rights for Which Objections are Unresolved

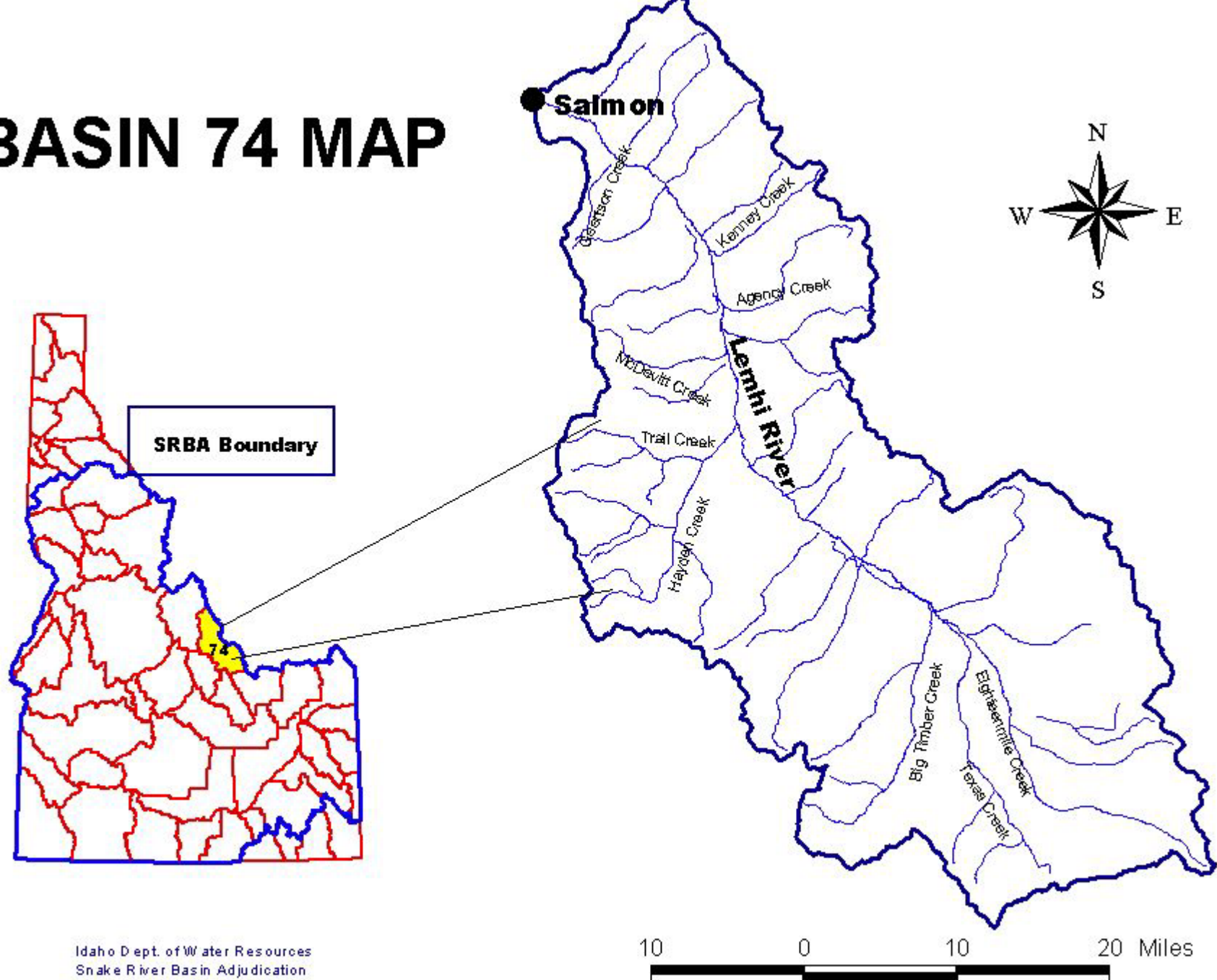


27 Subcases -Private Subcases  
Powers v. Schism

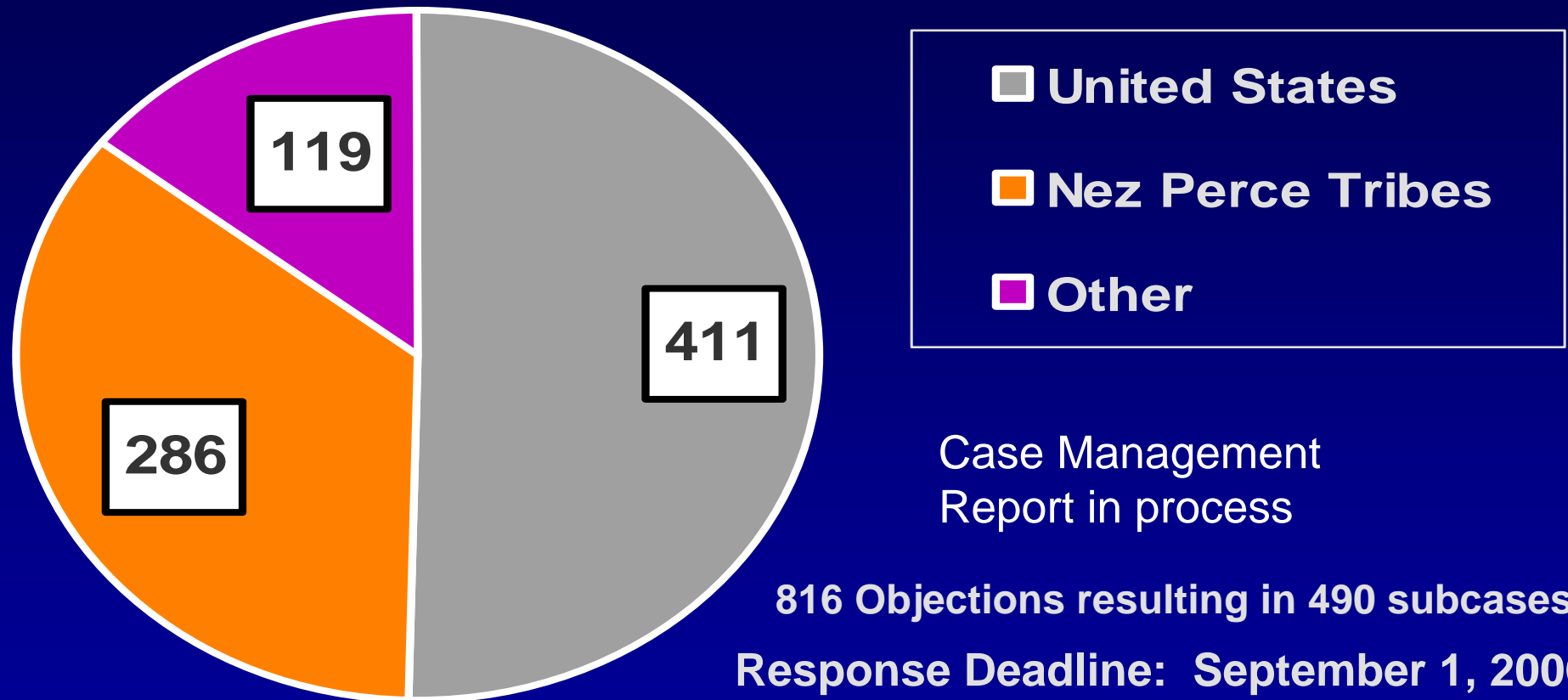
Initial hearings set in Nov.  
In Weiser

Director's Report filed March 24, 2006  
157 State-based claims 1 Fed Reserved  
Special Master Booth

# BASIN 74 MAP



# Basin 74 - Irrigation and Other Water Rights for Which Objections are Unresolved



816 Objections resulting in 490 subcases

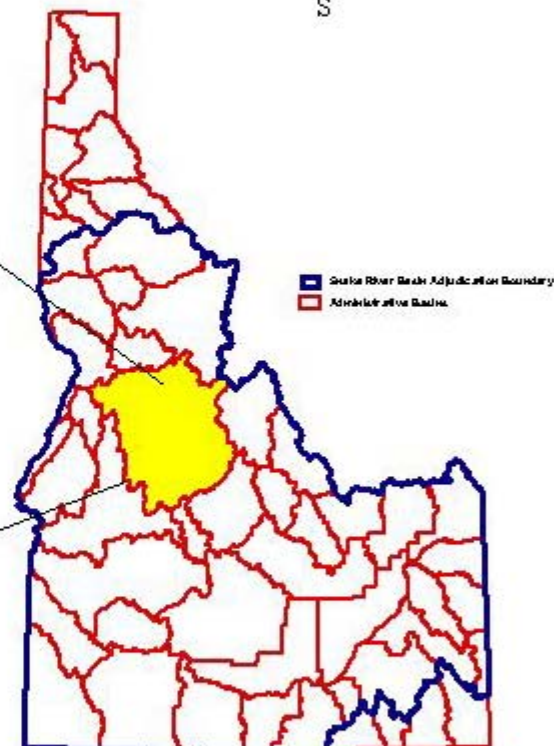
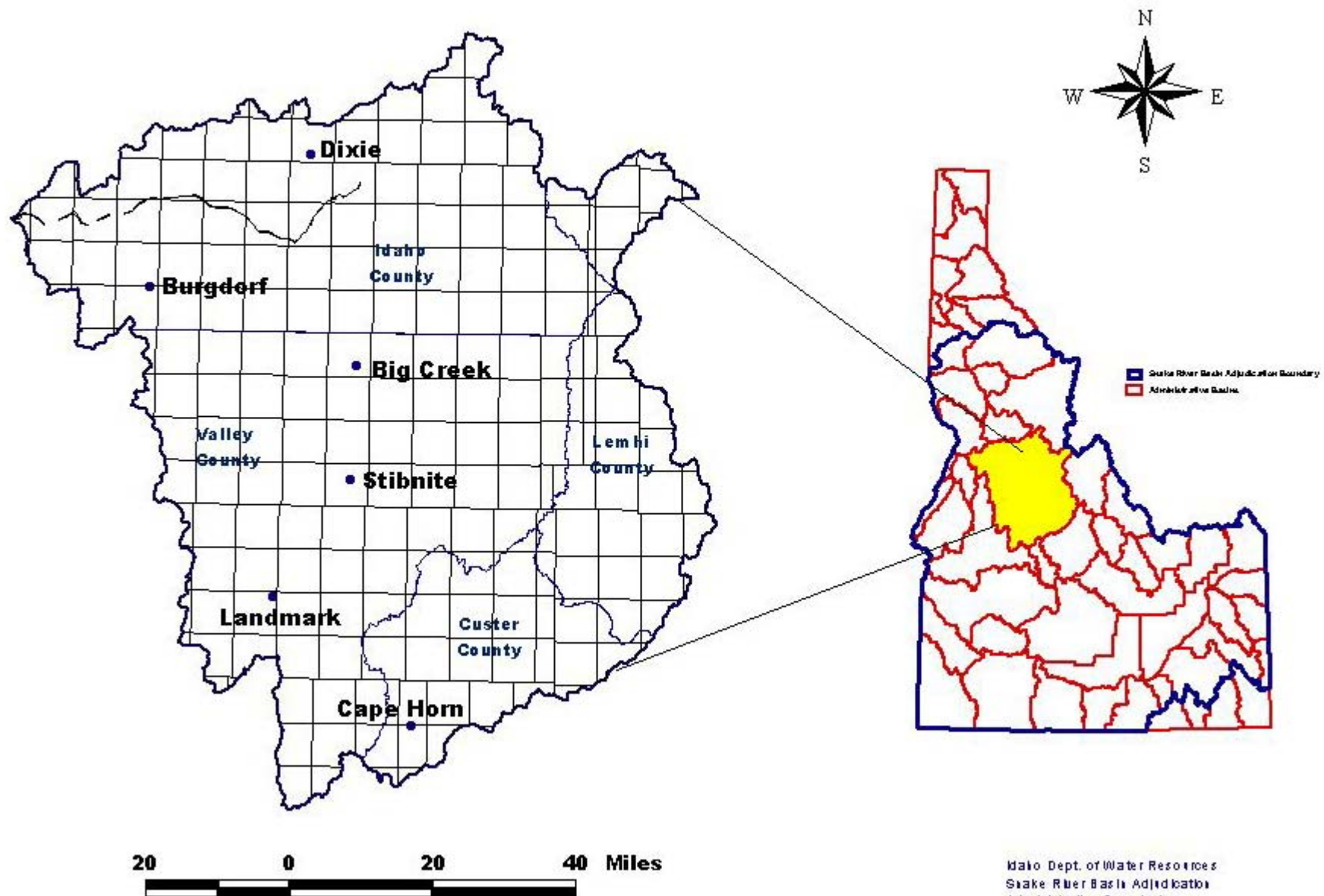
Response Deadline: September 1, 2006

Director's Report filed Jan 23, 2006

2,005 State-based claims 1 Fed Reserved  
Special Master Dolan

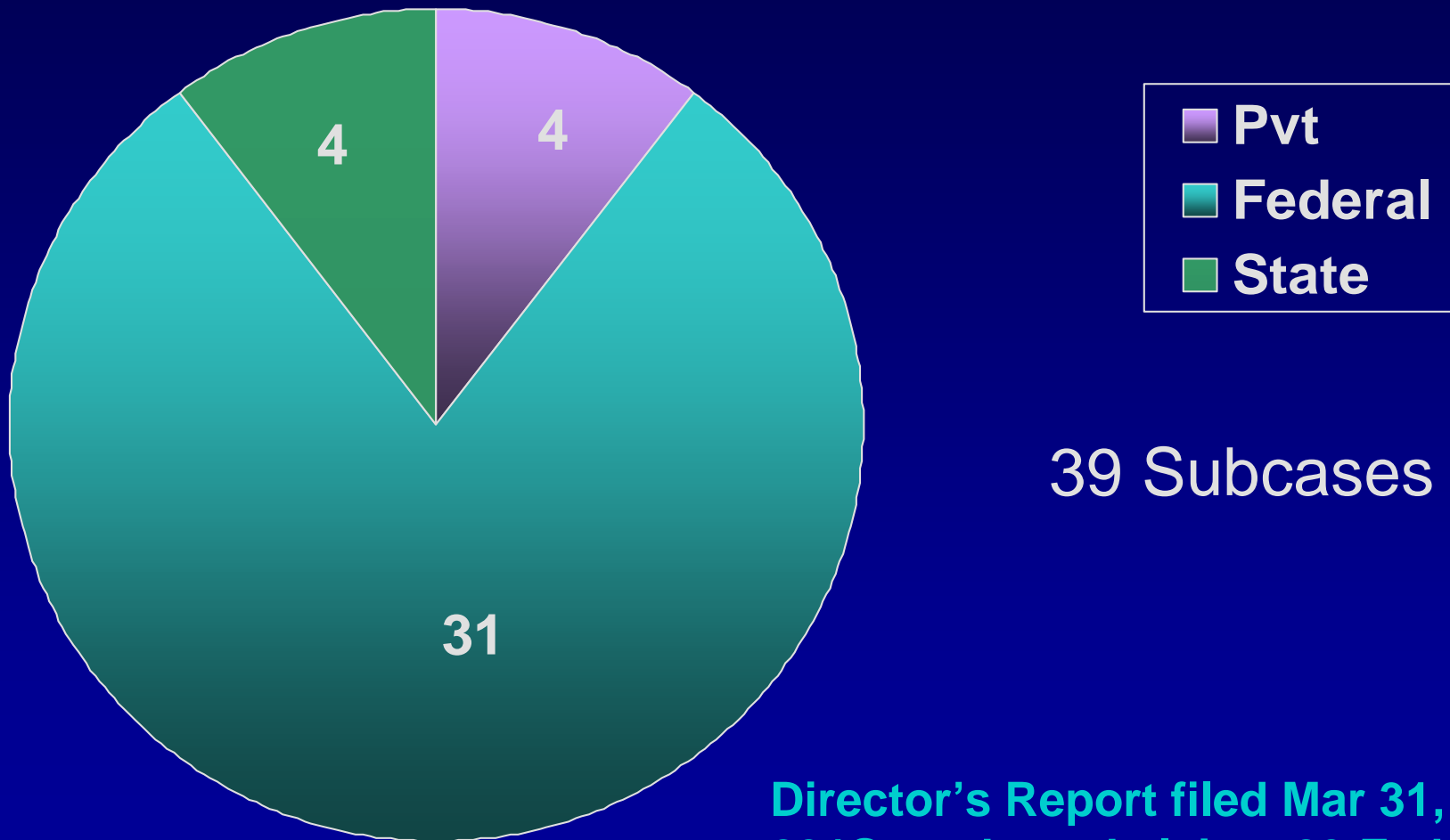


# Basin 77 Map





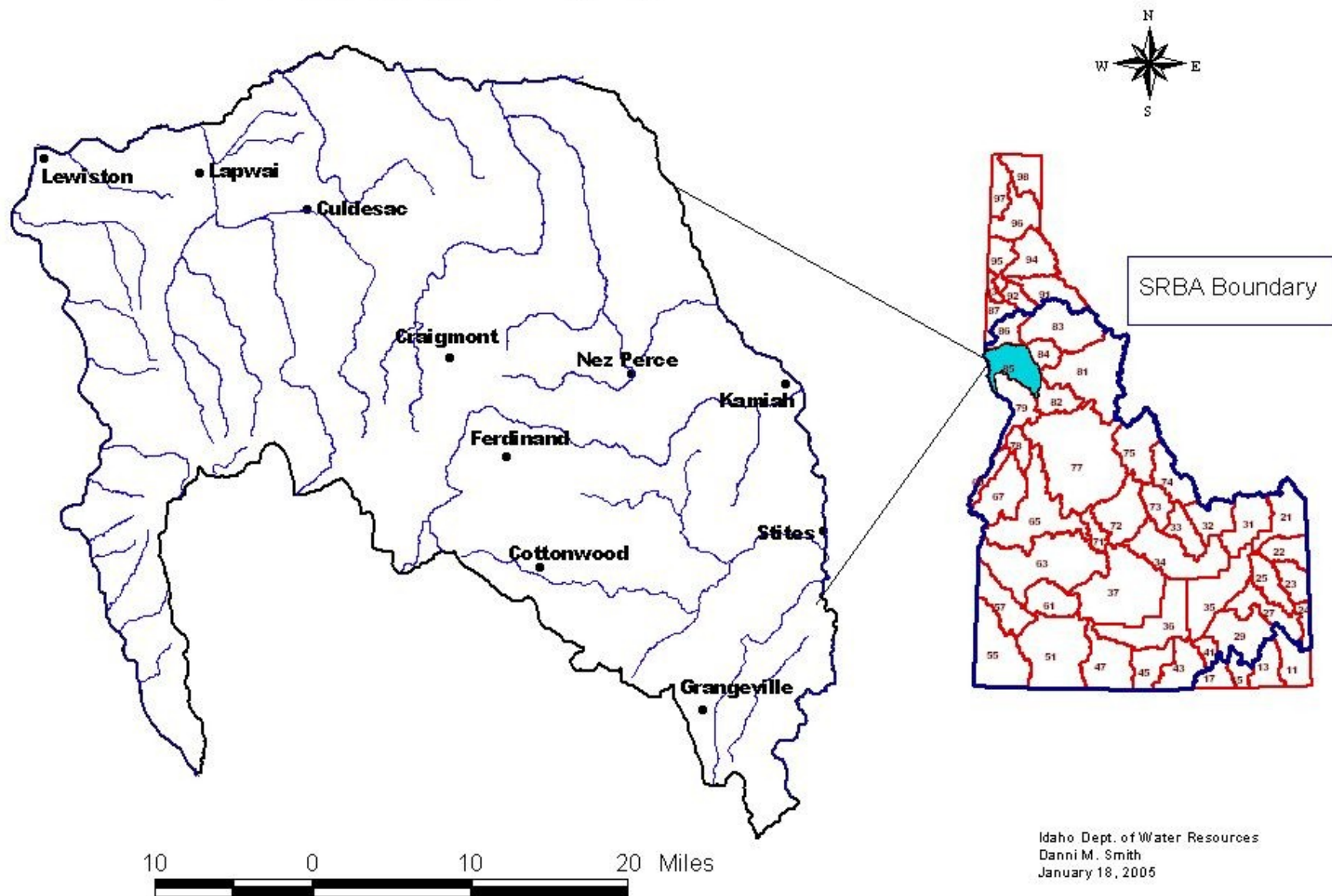
# Basin 77 - Irrigation and Other Water Rights for Which Objections are Unresolved



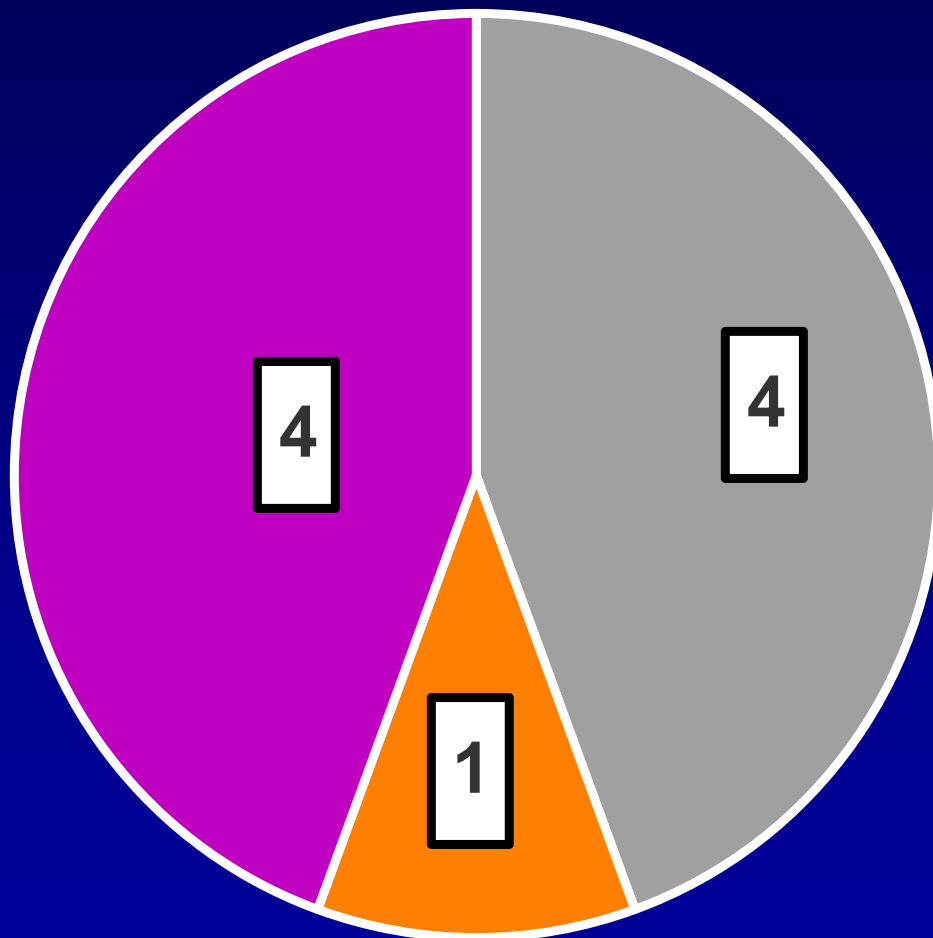
39 Subcases

Director's Report filed Mar 31, 2006  
291 State-based claims 29 Fed Reserved  
Special Master Booth

# Basin 85



# Basin 85 - Irrigation and Other Water Rights for Which Objections are Unresolved



■ Pvt Class 1

■ State - Class 1

■ Fed v Fed - Class 1

9 Objections

Director's Report filed Jan 20, 2005  
564 State-based claims  
Special Master Booth

# Motions to Set Aside Partial Decree

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- Basin 23 – 1 right
- Basin 29 – 34 rights
- Basin 72 – 1 right
- Basin 84 – 1 right

# Motions to File Late Claims

- Basin 21 -16
- Basin 22 – 1
- Basin 23 - 3
- Basin 25 - 6
- Basin 27 - 2
- Basin 29 – 12
- Basin 31 – 1
- Basin 33 - 2
- Basin 34 - 3
- Basin 35 - 5
- Basin 36 – 5
- Basin 45 – 2
- Basin 51 – 11
- Basin 57 – 2
- Basin 72 - 4
- Basin 74 -- 7
- Basin 77 – 1
- Basin 81 - 4
- Basin 84 - 5
- Basin 85 - 20
- Basin 86 - 1

Basin	No. Rec.	Class I Pvt.	Class II Pvt.	Class I State/Feder	Other	Total Objection	Contested Recomm	Percent Objection
01	745					21	21	3%
34	6,050				21	21	21	0%
36	7,724				32	32	32	0%
57	2,762					0	0	0%
21	745				241	241	234	31%
22	139				44	44	21	15%
23	299					0	0	0%
25	755				25	25	17	2%
27	735	47			747	794	510	69%
29	2,290				42	42	42	2%
31	1,368				4	4	4	0%
32	413					0	0	0%
33	469					0	0	0%
35	2,417					0	0	0%
37 (1) GW	360					0	0	0%
37 (1) SW	696				109	109	85	12%
41	215	2	7			9	9	4%
43	1,778					207	207	12%
45	2,028	14	5	45	218	282	171	8%
51	578				6	6	6	1%
55	367				0	0	0	0%
61	626				0	0	0	0%
63 (I)	557	5				5	5	1%
63 (II)	1,576	79	92		81	252	234	15%
65 (I,II)	900					0	0	0%
65 (III)	1,991					0	0	0%
69	157				27	27	27	17%
71	288					0	0	0%
72	766				1	1	1	0%
74	2,005				816	816	490	24%
77	291				39	39	39	13%
81	174				0	0	0	0%
82	217				0	0	0	0%
83	87				0	0	0	0%
84	274				0	0	0	0%
85	564	4			5	9	9	2%
86	256	1				1	1	0%

# Federal Reserved Claims

- Nez Perce/State Consent Decree
  - October 10<sup>th</sup> – Hearing Date
- Shoshone-Paiute Consent Decree
  - Challenge hearing pending
- Basin 63
  - GSA, VA, USGS, USFWS, DOD
  - Initial hearings set Dec 6, 2006
- USFS/BLM
  - Individual subcases pending

# Idaho Supreme Court Pending Decisions

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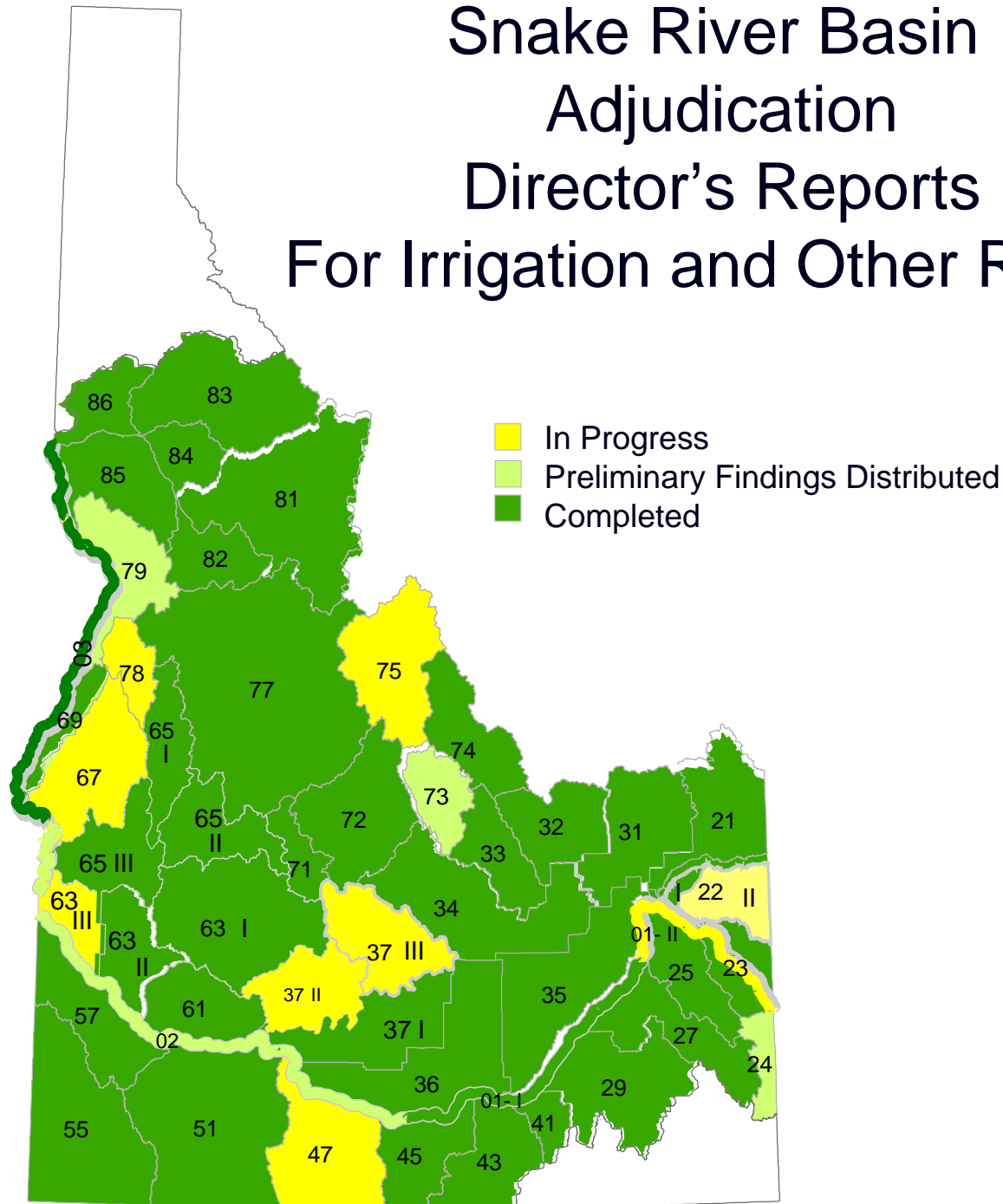
- Ownership issues
  - BOR/Canal companies – storage water
  - LU Ranches/Joyce Livestock – stock water



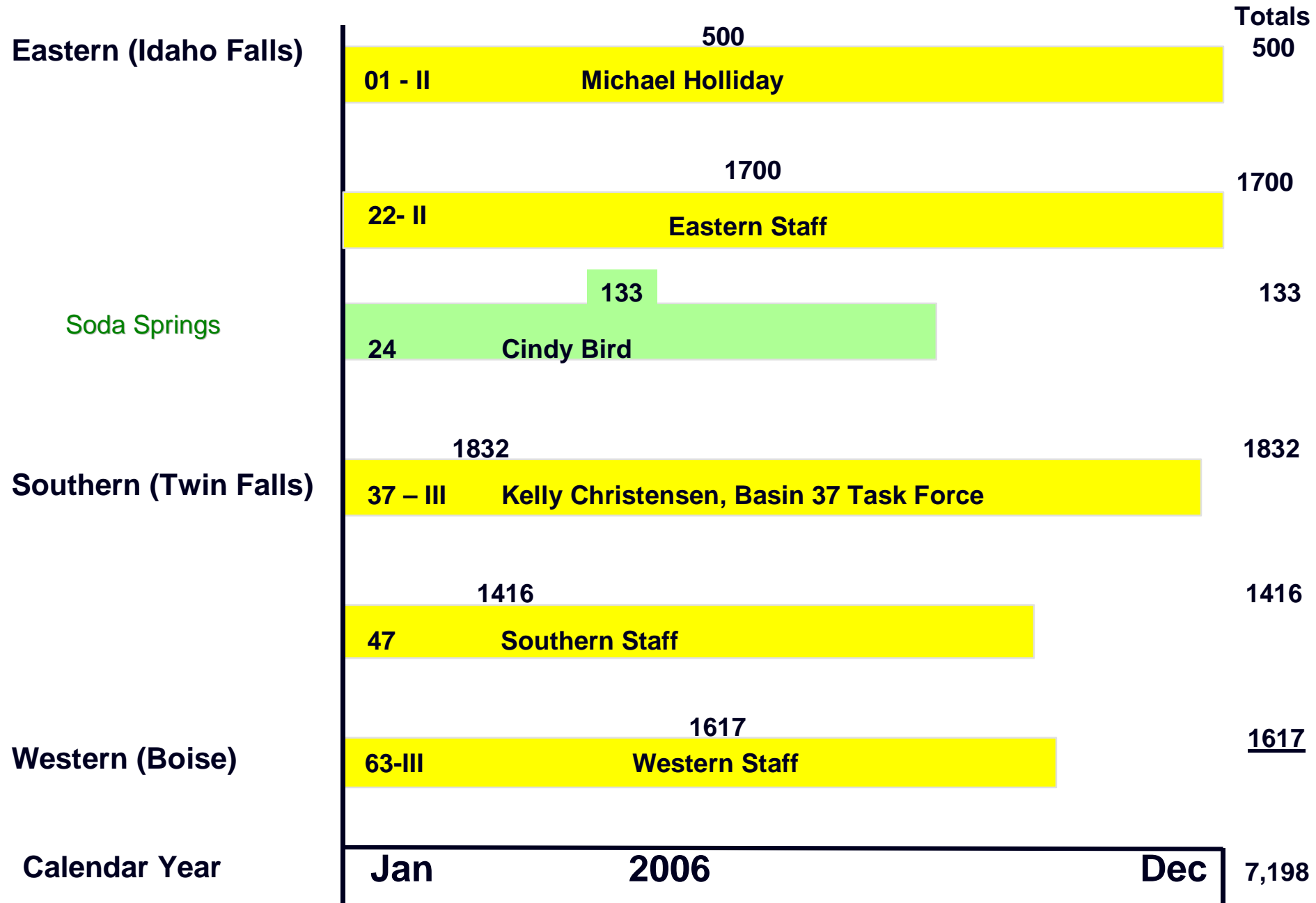
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# 2006 Forecast

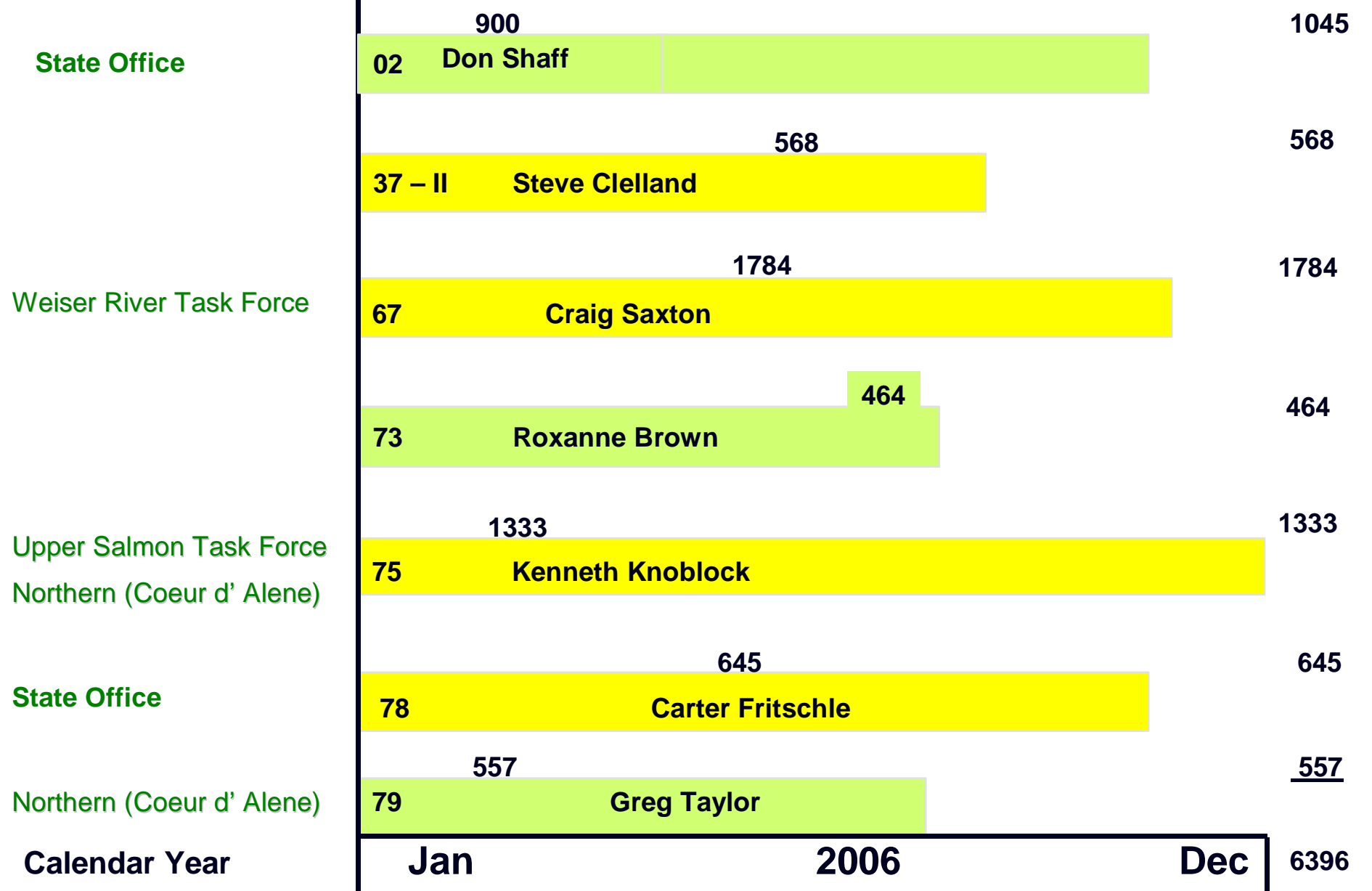
# Snake River Basin Adjudication Director's Reports For Irrigation and Other Rights



# IDWR PROCESSING FORECAST FOR REMAINING IRRIGATION AND OTHER STATE-BASED CLAIMS



# IDWR PROCESSING FORECAST FOR REMAINING IRRIGATION AND OTHER STATE-BASED CLAIMS



Significant Dates for Remaining Basins									
		Approx Number of Claims	Director's Report Filed	Minimum Days for Objections	Objection End Date	Staggered objection deadline	Attorney Assigned	Paralegal Assigned	Special Master Assigned
37	PT1sw	700	11/4/2005	120	3/10/2006		Nick	Vicki	Booth
27		700	11/10/2005	120	3/17/2006		Candice	Ray	Booth
63	PT2	2000	12/16/2005	120	4/21/2006		Nick/Susan	Becky	Booth
21		600	1/17/2006	120	5/26/2006		Nick	Becky/Ray	Dolan
74		1600	1/23/2006	120	6/30/2006		Chris	Vicki	Booth
22	PT1	300	2/27/2006	60	5/5/2006		Candice	Ray	Booth
69		100	3/24/2006	60	5/26/2006		Chris	Becky	Booth
77		400	3/31/2006	60	7/28/2006		Candice	Becky	Bilyeu
1	PT1	200	5/15/2006	60	10/6/2006		Candice	Becky/Ray	Dolan
3		150	8/15/2006	60	10/14/2006	11/1/2006	Candice/Susan	Becky	Dolan
73		500	10/15/2006	120	2/12/2007		Chris	Vicki	Dolan
79		600	10/16/2006	120	2/13/2007	2/28/2007	Candice	Becky	Booth
24		133	10/21/2006	60	12/20/2006		Nick	Ray	Bilyeu
2		900	11/10/2006	120	3/10/2007	4/25/2007	Candice/Susan	Becky/Ray	Dolan
1	PT2	500	11/15/2006	120	3/15/2007	3/30/2007	Candice	Becky/Ray	Bilyeu
37	PT2	600	11/15/2006	120	3/15/2007	4/27/2007	Nick/Chris	Vicki	Bilyeu
78		600	11/15/2006	120	3/15/2007		Candice	Becky	Dolan
47		1800	11/30/2006	120	3/30/2007	6/20/2007	Nick	Vicki	Dolan
22	PT2	1700	12/10/2006	120	4/9/2007	5/25/2007	Candice	Ray	Bilyeu
63	PT3	1800	12/10/2006	120	4/9/2007	5/15/2007	Nick/Susan	Becky	Bilyeu
37	PT3	1900	12/19/2006	120	4/18/2007	7/30/2007	Nick/Chris	Vicki	Bilyeu
67		2100	12/19/2006	120	4/18/2007	6/14/2007	Chris	Becky/Ray	Dolan
75		1300	12/19/2006	120	4/18/2007		Chris	Ray	Bilyeu
Total		21183							

# Timeline for North Idaho Adjudication (NIA) 2006

- ✓ **August 2006** – submit proposed statutory changes to 42-1409 (removing requirement to notarize claims)
- **Fall 2006** – Court to get appointment from Supreme Court for court assignment to NIA
- **October 2006** – Public informational meetings for cities and counties organized by Lynn Tominaga
- **December 2006** – Director and Judge to meet with Northern Idaho legislators to give overview

# Timeline for NIA Cont. 2007

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- **Winter 2007** – court to initiate the steering committee
- **April 2007** – Public meetings conducted by IDWR and Court – Coeur D'Alene (afternoon and evening), Sandpoint, Moscow (evening)
- **Spring/Summer 2007** – IDWR to revise Water Right Adjudication Rules
- **August/September 2007** – petition court for commencement

# Projected Milestones – By Fiscal Year – Northern Basins

<b>Fiscal Year</b>	<b>Basins 91-95</b>	<b>Basin 87</b>	<b>Basins 96-98</b>
<b>FY08</b>	Commence, conduct meetings, take claims		
<b>FY09</b>	Conduct field examinations		
<b>FY10</b>	Prepare recommendations	Commence, conduct meetings, take claims	
<b>FY11</b>	File Directors Reports	Conduct field examinations	Commence, conduct meetings, take claims
<b>FY12</b>	Dispute Resolution	Prepare recommendations	Conduct field examinations
<b>FY13</b>		File Directors Reports	Prepare recommendations
<b>FY14</b>		Dispute Resolution	File Directors Reports
<b>FY15</b>			Dispute Resolution



# Future IDWR SRBA Information Meetings

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- October No Informational Meeting
- October 10<sup>th</sup> - SRBA Court Hearings
- November 21<sup>st</sup> – Weiser or Idaho Falls
- December 19<sup>th</sup> – Twin Falls

# Other Matters of a General Nature

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Thank You

